Section 4.11
Permits and Clearances

This section discusses the permits and clearances that would be required to construct any proposed build alternative. The information presented in this section represents an update of the information presented in Section 4.11 of the Final EIS. Updated information on the federal, state, and local permits and clearances that have been obtained to date for Alternative D (Final EIS Preferred Alternative) is also presented herein and summarized in Table 4.11-1 at the end of this section. The terms and conditions for the permits and clearances obtained for Alternative D will be reassessed by the responsible agencies after the federal lead agencies have determined which, if any, of the build alternatives presented in the Supplemental EIS will be implemented.

4.11.1 Approach and Methodology

Federal, state, and local regulatory requirements specific to resource areas that would be affected by proposed build alternatives were reviewed to determine whether they had been updated or changed since publication of the Final EIS. In addition, permits and clearances obtained to date for Alternative D were reviewed to determine their current status.

4.11.2 Affected Environment

Table 4.11-1 at the end of this section provides updated information on the status of permits and clearances obtained to date for Alternative D (Final EIS Preferred Alternative). As stated above, the types of permits and clearances listed in Table 4.11-1 and in the following text would apply to all build alternatives; however, the terms and conditions of these permits could change based on which, if any, of the alternatives presented in the Supplemental EIS is selected by the federal lead agencies for implementation. There have been no regulatory changes since 2000 that change the type of permits and clearances addressed in the Final EIS.

4.11.2.1 Federal Permits and Clearances

Section 404, Clean Water Act, Individual Permit (Corps)

As stated in the Final EIS, the Corps requires project applicants to obtain a Clean Water Act (CWA) Section 404 permit if a proposed action would result in the discharge of dredged or fill material into waters of the United States, including wetlands. All the build alternatives presented in the Final EIS and the Supplemental EIS would require placement of fill material in waters of the United States (see Section 4.12, *Wetlands*, and Section 4.13, *Wildlife*). As a result, authorization would have to be obtained from the Corps prior to implementation of any build alternative.

On January 9, 2001, the Corps issued a CWA Section 404 permit for Alternative D. Based on the narrower right-of-way associated with Alternative E, UDOT will submit a request for a permit modification to the Corps prior to publication of the Record of Decision. The Corps will reevaluate the decision to modify the CWA Section 404 permit based on the information presented in the Supplemental EIS, after the Supplemental EIS process has been completed.

Section 401, Clean Water Act, Water Quality Certification (UDEQ)

Section 401 of the CWA requires federal agencies to ensure that their proposed actions (e.g., issuance of a permit) do not violate state water quality standards. The Section 404 permit is an action that requires evaluation by Utah Department of Environmental Quality (UDEQ), Division of Water Quality, for water quality certification.

All the build alternatives presented in the Final EIS and the Supplemental EIS would require placement of fill material in waters of the United States, as described above. As a result, water quality certification pursuant to Section 401 of the CWA would have to be obtained from UDEQ.

A CWA Section 401 permit was issued by UDEQ for Alternative D on December 5, 2000. The permit does not have an expiration date, but UDEQ will reevaluate it after the Supplemental EIS process has been completed.

Section 402, Clean Water Act, Utah Pollution Discharge Elimination System Permit (UDEQ)

Section 402 of the CWA regulates discharges of pollutants to surface waters. Construction projects that disturb 0.4 or more ha (1 or more ac) of land must be covered under the statewide Utah Pollution Discharge Elimination System (UPDES) stormwater permit. All the build alternatives presented in the Final EIS and the Supplemental EIS would disturb more than 0.4 ha (1 ac) of land and would require coverage under the UPDES stormwater permit.

UPDES permits are also required for industrial discharges associated with the operation of a facility. However, because highways are not considered industrial discharges, a UPDES permit would not be required for operation of Legacy Parkway.

The UPDES stormwater permit for Legacy Parkway has two main sections: the UPDES general construction stormwater permit and the UPDES general permit for construction dewatering or hydrostatic testing. The UPDES general construction stormwater permit, which covers actual construction activities, was granted on July 1, 2001, and expires December 31, 2004. The UPDES general permit for construction dewatering or hydrostatic testing, which covers construction dewatering or hydrostatic testing, was granted on June 29, 2003, and expired December 31, 2003. UDOT received a 5-year extension with UDEQ for the construction dewatering and hydrostatic testing permit that expires December 31, 2009. Alternative D is covered under these extended permits.

Approval of Addition or Modification of Access Points (FHWA)

As described in the Final EIS, changing access points to the interstate highway system requires approval from FHWA. All the build alternatives presented in both the Final EIS and the Supplemental EIS would require access to I-215 in North Salt Lake and to I-15 and US-89 in either Kaysville or Farmington.

The interchange design/justification report (IJR) for Alternative D was approved by FHWA in August 1999 (Utah Department of Transportation 1999). UDOT is updating the IJR for FHWA review in conjunction with preparation of this Supplemental EIS. FHWA will reevaluate the decision to allow these access points, as described in the revised IJR, after the Supplemental EIS process has been completed.

Endangered Species Act (USFWS) Authorization

Section 7 of the federal Endangered Species Act (ESA) requires that federal agencies ensure that their actions neither jeopardize the continued existence of species listed as endangered or threatened nor result in destruction or adverse modification of the critical habitat of these species. Federal agencies must consult with the U.S. Fish and Wildlife Service (USFWS) if an action would result in "take" of a listed species, where *take* is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect…[an individual of a species]" (16 USC 1531 et seq.). The consultation can result in an incidental take statement establishing conditions under which a project that results in take may go forward.

All the build alternatives in the Final EIS and the Supplemental EIS could affect bald eagles, a species listed under the ESA as threatened (see Section 4.15, *Threatened and Endangered Species*). During the Final EIS process, the federal lead agencies initiated formal consultation with USFWS to assess the potential for take of bald eagles resulting from implementation of Alternative D. This consultation resulted in a biological opinion and incidental take statement issued by USFWS in February 1999 (U.S. Fish and Wildlife Service 1999), which allowed the project to proceed under certain terms and conditions. The incidental take statement and biological opinion also cover the regulatory requirements of the Migratory Bird Treaty Act and the Bald Eagle Protection Act, as required under each of those federal statutes.

FHWA received a letter from USFWS on December 3, 2003, stating that the terms and conditions of the biological opinion are still in effect. The biological opinion may be reevaluated during or after the Supplemental EIS process.

Section 106, National Historic Preservation Act Consultation (Utah SHPO & ACHP)

As stated in the Final EIS, Section 106 of the National Historic Preservation Act (NHPA) requires that historical and archeological resources be evaluated for eligibility for listing on the National Register of Historic Places (NRHP), and that eligible resources that would be affected by an action be preserved or otherwise documented. The Section 106 process requires that the federal lead agencies consult with the Utah State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), and the Utah Division of Indian Affairs to develop a Memorandum of Agreement (MOA) for evaluating historic and archeological resources affected by the proposed action and for implementing required mitigation (Federal Highway Administration et al. 2000).

All the build alternatives presented in the Final EIS and the Supplemental EIS would require consultation with the Utah SHPO prior to implementation (see Section 4.16, *Historic and Archaeological Resources*). Consultation with the Utah SHPO on Alternative D was completed prior to publication of the Final EIS. The MOA was signed on August 1, 2000. A revised draft MOA has been updated and is being circulated to signatories and consulting parties for comment (see Appendix A). The MOA will be executed before the Record of Decision is published.

Blanket Certificate (FERC)

As stated in the Final EIS, changes in the connections of major natural gas lines require notification of and approval by the Federal Energy Regulatory Commission (FERC). All the build alternatives in the Final EIS and the Supplemental EIS could affect one natural gas pipeline company under the jurisdiction of FERC: the Kern River Gas Transmission Company. If a blanket certification is required, it will be requested prior to starting construction activities.

Material Site Right-of-Way Permit (BLM)

As stated in the Final EIS, use of Bureau of Land Management (BLM) mineral reservations (e.g., gravel for fill material) requires a material site right-of-way permit from BLM. The project applicant has not determined whether mineral reservations would be used to construct any build alternative presented in the Final EIS or the Supplemental EIS. The necessity for this permit will be determined after the Supplemental EIS process has been completed. None of the construction work completed in 2001 required use of BLM mineral reservations.

4.11.2.2 State Permits and Clearances

Utah State Stream Alteration Permit (UDNR)

The Utah Department of Natural Resource (UDNR), Division of Water Rights, requires project applicants to obtain a stream alteration permit if a stream crossing would result in a major stream alteration or modification. As described in the Final EIS, stream alteration permit applications are typically combined with the Corps Section 404 permit application to facilitate a streamlined permitting process.

All the build alternatives in the Final EIS and the Supplemental EIS would require one or more stream crossings, which would trigger the need for the project applicant to obtain a stream alteration permit from UDNR. For Alternative D (Final EIS Preferred Alternative), stream alteration permits were granted as follows: Salt Lake Canal, November 15, 2001; Farmington Creek, November 30, 2001; Steed Creek, December 13, 2001; Davis Creek, December 13, 2001; and Shepherd Creek, December 31, 2001 (HDR Engineering, Inc. 2004f). A 3-year extension has been granted for each of these permits. However, UDNR may have to reevaluate all these permits after the Supplemental EIS process has been completed.

Air Quality Approval Order (UDEQ)

An air quality approval order is required to build, own, or operate a facility that pollutes the air. To obtain an air quality approval order, a notice of intent (NOI) must be submitted to UDEQ, Division of Air Quality, describing construction activities and emissions that would be associated with operating equipment. As stated in the Final EIS, the permit application must include provisions for controlling dust and emission sources.

All the build alternatives in the Final EIS and the Supplemental EIS would generate fugitive dust and emissions and would require an air quality approval order from UDEQ. The air quality approval order for Alternative D was granted on January 25, 2001. UDEQ may have to reevaluate this permit after the Supplemental EIS process has been completed.

Water Rights (UDNR)

As stated in the Final EIS, an application must be made to UDNR, Division of Water Rights, if an existing groundwater well (i.e., point of diversion) within the right-of-way of a build alternative needed to be relocated. In addition, if the rights to a well were purchased by UDOT, the deed record at UDNR would have to be updated.

All the build alternatives in the Final EIS and the Supplemental EIS, as well construction of the Legacy Nature Preserve, could require relocation of points of diversion, based on the right-of-way that is purchased to support construction of the proposed highway and preserve. UDOT would have to apply to UDNR to change the location of any points of diversion and to change the deed record for purchased groundwater wells.

UDOT has purchased the majority of the right-of-way, including the associated water rights, necessary for construction of Alternative D (Final EIS Preferred Alternative) and the Legacy Nature Preserve (West pers. comm. d [c]). To date, no changes in the location of points of diversion have been proposed. Applications to change the location of points of diversion will be made to UDNR, as appropriate, after the Supplemental EIS process has been completed. Some additional groundwater and surface water rights may be acquired to provide water to the Legacy Nature Preserve.

Certificate of Registration (UDNR)

As stated in the Final EIS, a certificate of registration is required by UDNR, Division of Wildlife Resources, if a proposed action could affect raptor nests. All the build alternatives evaluated in the Final EIS and the Supplemental EIS could affect raptor nests (see Section 4.13, *Wildlife*). Therefore, UDOT would have to obtain a certificate of registration from UDNR prior to implementing any proposed build alternatives.

The certificate of registration for Alternative D was renewed on January 1, 2004. This permit is updated on an annual basis and will be reevaluated by UDNR after the Supplemental EIS process has been completed.

Approval of Remediation Work Plan (UDEQ & EPA)

As stated in the Final EIS, a remediation work plan must be submitted and approved by UDEQ or the U.S. Environmental Protection Agency (EPA) if construction activities would occur on existing hazardous waste sites. All the build alternatives in the Final EIS and the Supplemental EIS would require construction of components on existing hazardous waste sites (see Section 4.17, *Hazardous Waste Sites*). Therefore, a remediation work plan specifying clean-up levels and protective measures for construction personnel would have to be submitted to UDEQ and/or EPA for approval.

An MOA between UDEQ and UDOT was signed in 2000 (Appendix A). The applicability of the remediation plan and required approvals will be determined after the Supplemental EIS process has been completed.

4.11.2.3 Local Permits & Clearances

Floodplain Development Permit (Local Jurisdiction)

As described in the Final EIS, all the proposed build alternatives in the Final EIS and the Supplemental EIS would require construction of components within the Federal Emergency Management Agency (FEMA) 100-year floodplain boundary, including placement of highway fill and drainage structures at stream crossings (see Section 4.14, *Floodplains*). As a result, floodplain development permits would have to be obtained from local jurisdictions in the area for work within the 100-year floodplain.

No floodplain development permits have been obtained for Alternative D (Final EIS Preferred Alternative) (Adams pers. comm.). The necessity for these permits will be determined after the Supplemental EIS process has been completed.

Development Permit for Critical Flood Areas (Davis County)

As stated in the Final EIS, Davis County requires permits for development in "critical flood areas," where *critical flood areas* are defined as areas within 30 m (100 ft) of certain creeks and channels. All the build alternatives in the Final EIS and the Supplemental EIS would cross one or more of these designated critical flood areas, which would require a development permit from Davis County.

No development permits for critical flood areas have been obtained for Alternative D. The necessity for these permits will be determined after the Supplemental EIS process has been completed.

Construction-Related Permits and Clearances (Various Agencies)

All the build alternatives identified in the Final EIS and the Supplemental EIS could require construction-related permits and clearances for activities occurring outside the right-of-way, such as staging of construction areas, borrow areas, or concrete batch plant sites.

Permits for a crusher and for a concrete batch plant associated with implementation of Alternative D were granted on September 20, 2001 by UDEQ, Division of Air Quality. The necessity for reevaluating these permits or obtaining additional construction-related permits will be determined after the Supplemental EIS process has been completed.

Table 4.11-1 Required Permits and Clearances

Permit	Granting Agency(ies)	Applicant	When Application Must Be Filed	When Application Is Granted	Applicable Portion of Project	Updated Status (January 2004)
Federal						
Section 404 Individual Permit (Clean Water Act) (Joint application with Stream Alteration Permit)	Corps	UDOT	Concurrent with Final EIS	Concurrent with ROD	Portions of roadway in waters of the U.S.	Granted 1/9/01. UDOT has submitted a request for permit modification to the Corps to reflect narrower right-of-way associated with Alternative E. The Corps will reevaluate the decision to issue and/or modify the Section 404 permit.
Section 401 Water Quality Certification (Clean Water Act)	UDEQ, Division of Water Quality	UDOT	Concurrent with Final EIS	Concurrent with ROD	Required for issuing Section 404 permit to ensure proposed action will comply with state water quality standards	Granted 12/5/2000. No expiration date.
Section 402 (UPDES) Permit (Clean Water Act)	UDEQ, Division of Water Quality	Contractor	Design-build phase	Prior to construction	Stormwater quality during construction phrase	UPDES Stormwater General Permit for Construction Activities was granted 7/1/01. The Final EIS Preferred Alternative is covered under this statewide permit until 12/31/04. UPDES Dewatering/Hydrostatic Testing Permit was granted 6/29/03. UDOT received a 5-year extension that expires 12/31/09.

Permit	Granting Agency(ies)	Applicant	When Application Must Be Filed	When Application Is Granted	Applicable Portion of Project	Updated Status (January 2004)
Approval of Addition or Modification of Access Points	FHWA	UDOT	EIS phase	Concurrent with ROD	Interstate access changes	Interchange design/justification report (IJR) approved 8/99. UDOT is updating the IJR for FHWA review in conjunction with preparation of this Supplemental EIS. FHWA will reevaluate the decision to allow these access points, as described in the revised IJR.
Incidental Take Statement (Section 7, Endangered Species Act)	USFWS	FHWA and the Corps	EIS phase	Final EIS	Project affects on migratory birds, eagles, and threatened and endangered species	An incidental take statement was included in the biological opinion for Alternative D, which was issued on 2/11/99. On 12/3/03, USFWS verified that the terms and conditions of the biological opinion were still in effect.
Section 106 Permit (National Historic Preservation Act)	SHPO and ACHP	UDOT	Concurrent with Final EIS	Final EIS	Impacts on historic and archaeological resources	A memorandum of agreement (MOA) between the federal lead agencies, SHPO, and ACHP was signed on 8/1/00. A revised draft MOA has been updated and is being circulated to signatories and consulting parties for comment (see Appendix A). The MOA will be executed before the Record of Decision is published. The Section 106 permit was issued prior to the release of the Final EIS.
Blanket Certificate (prior notice)	FERC	Gas company	Design-build phase	Prior to construction	Major gas line relocations	Will be obtained as needed.
Material Site Right-of-Way Permit	BLM	UDOT (prepared by contractor)	Prior to use	Prior to use	Required if fill is to be taken from areas with BLM mineral reservations	Will be obtained as needed.

Permit	Granting Agency(ies)	Applicant	When Application Must Be Filed	When Application Is Granted	Applicable Portion of Project	Updated Status (January 2004)
State						
Stream Alteration Permit (Joint application with Section 404 Permit)	UDNR, Division of Water Rights	UDOT	Concurrent with Final EIS	Concurrent with ROD	Structures at stream crossings	Stream alteration permits were granted as follows: Salt Lake Canal 11/15/01, Farmington Creek 11/30/01, Steed Creek 12/13/01, Davis Creek 12/13/01, and Shepherd Creek 12/31/01. The contractor has received a 3-year extension for these permits.
Air Quality Approval Order	UDEQ Division of Air Quality	Contractor	Design-build phase	Prior to construction	Air quality during construction phase (emissions from equipment)	Granted 1/25/01. No expiration date. An Emissions Control Plan (EMC) was prepared for this permit.
Water Rights (change deed record or apply for change in point of diversion)	UDNR, Division of Water Rights	UDOT	Right-of-way acquisition phase	Right-of-way acquisition phase	Changes in point of diversion or in use associated with wells in the right-of-way or water required for wetland mitigation	UDOT has purchased water rights along with property for right-of-way. Changes in points of diversion will be coordinated with UDNR as necessary.
Certificate of Registration	UDNR, Division of Wildlife Resources	Contractor	Design-build phase	Prior to construction	Impacts on raptor nests	This permit is renewed annually and was last renewed on 1/04/2004. It expires 12/31/2004.
Approval of Remediation Work Plan	UDEQ or EPA	UDOT	EIS and design-build phases	Prior to construction	Hazardous waste, CERCLA, and NPL sites	An MOA was signed between UDEQ and UDOT in 2000. Specific permits will be submitted on a case-by-case basis.

Permit	Granting Agency(ies)	Applicant	When Application Must Be Filed	When Application Is Granted	Applicable Portion of Project	Updated Status (January 2004)
Local						
Floodplain Development Permit (local floodplain coordinator)	Davis County, North Salt Lake, Woods Cross, West Bountiful, Centerville, Farmington	UDOT (prepared by contractor)	Design-build phase	Design-build phase	Portions of roadway or structures in FEMA floodplain for creeks or Great Salt Lake	Will be obtained on a case-by-case basis prior to construction.
Development Permit for Critical Flood Areas	Davis County	UDOT (prepared by contractor)	Design-build phase	Design-build phase	Portions of roadway or structures within 30 m (100 ft) of certain channels	Will be obtained on a case-by-case basis prior to construction.
Off-site Construction-related permits	Various	Contractor	Contractor	Prior to construction	Impacts associated with offsite activities such as construction staging, borrow areas, batch plant sites, etc.	Permits for a crusher and a concrete batch plant were both granted on 9/20/01 by UDEQ, Division of Air Quality. Other permits will be obtained as needed.

Notes:

All the listed permits would be required for construction of Legacy Parkway under all proposed build alternatives and options.

ACHP = Advisory Council on Historic Preservation
BLM = Bureau of Land Management
CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act
Corps = U.S. Army Corps of Engineers
Draft EIS = Draft Environmental Impact Statement
EIS = Environmental Impact Statement
EPA = U.S. Environmental Protection Agency
FEMA = Federal Emergency Management Agency
FERC = Federal Energy Regulatory Commission
FHWA = Federal Highway Administration
Final EIS = Final Environmental Impact Statement
NPL = National Priorities List
NRHP = National Register of Historic Places
ROD = Record of Decision
SHPO = State Historic Preservation Office
Supplemental EIS = Supplemental Environmental Impact Statement
UDEQ = Utah Department of Environmental Quality
UDNR = Utah Department of Natural Resources
UDOT = Utah Department of Transportation
UDWR = Utah Department of Wildlife Resources
UPDES = Utah Pollution Discharge Elimination System
USFWS = U.S. Fish and Wildlife Service

Section 4.12
Wetlands

This section describes the wetlands and other aquatic resources in the study area. It presents information regarding changes in wetland type and function that have occurred since publication of the Final EIS and provides supplemental information to define and describe more clearly the vegetation types present in the wetland areas in the study area. Specifically, this section

- describes wetland impacts that have occurred to date as a result of initial project construction;
- identifies all direct and indirect impacts of the No-Build and build alternatives on wetlands in the study area;
- describes wetland succession, both in general and specifically related to Great Salt Lake flooding;
- discusses the role of flooding on the temporal variation in wetland functions;
- quantifies direct and indirect impacts in acres affected;
- characterizes direct and indirect impacts in terms of wetland functions;
- discloses cumulative effects on wetland resources; and
- updates the status of proposed wetland mitigation and the Legacy Nature Preserve.

Appendix D, *Wetlands Functional Assessment Technical Appendix*, provides detailed technical data to supplement the information presented in this section.

4.12.1 Approach and Methodology

This section presents updated and supplemental information on wetland resources in the study area. The study area for the wetlands analysis has not changed since publication of the Final EIS with respect to the build alternatives. For the Supplemental EIS, the study area also includes the area associated with the Legacy Nature Preserve.

4.12.1.1 Wetland Delineation and Reverification

As described in the Final EIS, wetlands in the study area were originally characterized and mapped between April and July of 1997, as documented in the *Legacy-West Davis Wetlands Delineation*

Technical Report (Baseline Data Inc. 1998). Delineated wetlands were then classified and subjected to a wetlands functional assessment, which was described in the *Legacy Parkway Wetland Final HGM Technical Report* (Baseline Data Inc. 2000). Both technical reports were summarized in Appendix B of the Final EIS. In August 1998, the Corps approved the delineation and the proposed wetland functional assessment concept. Additional wetland mapping was done following publication of the Draft EIS for the Legacy Parkway project (September 1998), primarily to identify wetlands present in the Legacy Nature Preserve. The additional wetlands were delineated by identifying and mapping areas vegetated by wetland cover types.

To verify the accuracy of the wetland delineation and to provide updated information for the Supplemental EIS analysis, wetlands within and bordering the proposed right-of-way for the Alternative D (Final EIS Preferred Alternative) alignment were visually inspected between October 28 and November 7, 2003. Changes noted during these field surveys were documented in a wetlands reverification letter report and submitted to the Corps on March 16, 2004 (Preston pers. comm.). This report determined that about half the wetlands within or intersected by the right-of-way of Alternative D (Final EIS Preferred Alternative) had been entirely or partially filled during clearing and grading of the 100-m (328-ft) right-of-way, prior to the court-ordered suspension of construction activities associated with the Legacy Parkway project. The remaining 70 wetlands intersected by the right-of-way have not been altered since the previous wetland delineation. The wetland delineation reverification also identified wetlands adjacent to the right-of-way that had been filled or potentially filled by projects not related to the Legacy Parkway project. This updated information was verified by the Corps in 2004.

4.12.1.2 Wetlands Functional Assessment

As presented in the Final EIS, the wetlands functional assessment for wetlands in the study area was developed from the hydrogeomorphic (HGM) method for evaluating wetland functions initially developed by the Corps (Brinson 1993). The HGM method categorizes wetlands by their water sources, hydrodynamics, and geomorphic setting, and then evaluates wetland functions based on physical and biological attributes. The wetlands functional assessment was used to quantitatively measure how well wetlands in the study area function. This measurement was used, in part, to determine how much mitigation would be needed, rather than basing that determination on wetland acreage alone. At the time this Supplemental EIS was prepared, an updated regional HGM model was in progress but not complete enough to offer the accuracy or precision needed to update the wetlands functional assessment information presented in the Final EIS. As a result, the information on wetland functions presented in this document continues to be based on the wetlands functional assessment conducted for the Final EIS.

Additional information about wetland types in the study area and further clarification about how the wetlands functional assessment was performed, including the type of data used, the rationale for the approach to assessing indirect impacts on wetland functions, and the method for scaling the variables used in the assessment models, are included in Appendix D.

4.12.2.3 Regulatory Update

Since publication of the Final EIS, a recent supreme court ruling (*Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, No. 99-1178 [January 9, 2001]) (SWANCC) addressed the issue of whether certain wetlands are subject to federal jurisdiction under Section 404 of the federal Clean Water Act (CWA). In the SWANCC decision, the Supreme Court ruled that, for nonnavigable, isolated, intrastate wetlands, providing habitat for migratory birds was insufficient as the sole basis for assertion of federal jurisdiction under the CWA. This ruling removed a part of the definition of “waters of the United

States" under which many small isolated wetlands have been afforded CWA protection. Other criteria for establishing jurisdiction under the CWA remain unaffected by the SWANCC case, including having a connection with interstate commerce or being adjacent or tributary to other waters of the United States (33 CFR Section 328.3[a]).

The Corps has decided that Great Salt Lake and the wetlands adjacent to it are jurisdictional waters of the United States. Specifically, the Corps has determined that Great Salt Lake is a water of the United States because it is navigable-in-fact and has been found to have substantial connections with interstate commerce, as noted in the 2001 memorandum concerning isolated waters from the General Counsel of the Environmental Protection Agency and the Corps Chief Counsel (U.S. Environmental Protection and Agency and U.S. Army Corps of Engineers January 2001). Great Salt Lake is fed by the Bear River, which is an interstate water originating in Idaho. Wetlands in the primary study area are adjacent to Great Salt Lake. Although most of the wetlands in the study area have been designated as groundwater slope or depressional wetlands, many of them form extensive wetland complexes and lie within Great Salt Lake's historic high-water elevation (1,283 m [4,212 ft]), and most are within the area of influence of maximal lake flooding (1,286 m [4,220 ft]). Many of the groundwater slope wetlands are interconnected by surface water flow and are connected to Great Salt Lake by direct flow or by streams and drainage channels. In addition, the wetlands in the Legacy Parkway project study area help sustain the water quality, habitat support, and other functions of the Great Salt Lake Ecosystem (GSLE). As a result, the Corps has determined that all the delineated wetlands in the study area remain jurisdictional and subject to regulation under Section 404 of the CWA; the SWANCC ruling did not affect this protection.

4.12.2 Affected Environment

The study area, which is described above in Section 4.12.1, encompasses 987 ha (2,439 ac) of wetlands in three HGM wetland classes (depressional, groundwater slope, lacustrine fringe) and seven wetland cover types (forested wetland, shrub-scrub, marsh, wet meadow, playa, unconsolidated shore, and open water) (Figure 4.12-1). Table 4.12-1 provides information on the acreage of each wetland class, according to cover type. The baseline information on wetlands and land use in the study area used in this analysis was collected between 1997 and 1999. Therefore, "existing conditions," as used in this section, refers to the extent, character, and functions of wetlands in the study area as they existed in 1997–1999.

The Final EIS based all quantitative discussion of wetland functions, impacts, and mitigation on the three wetland classes mentioned above—depressional, groundwater slope, lacustrine fringe (Figure 3-22 in the Final EIS). However, this document separates wetland functions, impacts, and mitigation according to wetland cover types to provide additional ecological context by which to interpret the analysis. Table 4.12-1, which updates and supplements Table 3-30 in the Final EIS, summarizes the quantities and functional ratings that make up these wetland classes and cover types. Functional ratings given to the wetlands were based on the average functional value for all wetland functions. These functional ratings can range from low to high, based on average functional values represented in Table 4.12-2.

Section 4.12.2.4 of this document provides a discussion of how wetlands are affected by Great Salt Lake flooding.

Table 4.12-1 Wetland Cover Types, Quantities, and Functional Ratings for the Study Area

HGM Class	Wetland Cover Type	Quantity in Hectares (Acres)											
		Total		High		High-to-Medium		Medium		Medium-to-Low		Low	
Depressional	Forested Wetland	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)
Groundwater Slope		0.2	(0.4)	0.0	(0.0)	0.0	(0.0)	0.2	(0.4)	0.0	(0.0)	0.0	(0.0)
Lacustrine Fringe		0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)
Depressional	Shrub-Scrub	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)
Groundwater Slope		0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)
Lacustrine Fringe		1.4	(3.6)	0.0	(0.0)	1.4	(3.6)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)
Depressional	Marsh	14.5	(35.8)	0.7	(1.7)	5.5	(13.6)	8.0	(19.7)	0.3	(0.8)	0.0	(0.0)
Groundwater Slope		42.3	(104.5)	6.4	(15.8)	2.1	(5.3)	26.3	(64.9)	7.5	(18.5)	0.0	(0.0)
Lacustrine Fringe		233.2	(576.1)	0.0	(0.0)	206.3	(509.7)	26.9	(66.4)	0.0	(0.0)	0.0	(0.0)
Depressional	Wet Meadow	115.3	(284.9)	2.6	(6.5)	84.0	(207.6)	26.7	(66.0)	1.9	(4.8)	0.0	(0.0)
Groundwater Slope		152.4	(376.6)	80.8	(199.6)	18.2	(45.1)	48.9	(120.9)	4.5	(11.1)	0.0	(0.0)
Lacustrine Fringe		148.1	366.0	0.0	(0.0)	98.9	(244.5)	49.2	(121.5)	0.0	(0.0)	0.0	(0.0)
Depressional	Playa	46.4	(114.6)	3.5	(8.6)	31.3	(77.3)	10.5	(26.0)	0.0	(0.0)	1.1	(2.6)
Groundwater Slope		18.1	(44.7)	15.2	(37.6)	0.0	(0.0)	2.7	(6.6)	0.2	(0.4)	0.0	(0.0)
Lacustrine Fringe		124.5	(307.6)	0.0	(0.0)	99.7	(246.3)	24.8	(61.3)	0.0	(0.0)	0.0	(0.0)

HGM Class	Wetland Cover Type	Quantity in Hectares (Acres)											
		Total		High		High-to-Medium		Medium		Medium-to-Low		Low	
Depressional	Unconsolidated Shore	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)
Groundwater Slope		0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)	0.0	(0.0)
Lacustrine Fringe		38.9	(96.2)	0.0	(0.0)	36.5	(90.1)	2.5	(6.1)	0.0	(0.0)	0.0	(0.0)
Depressional	Open Water	2.5	(6.2)	0.0	(0.0)	1.4	(3.5)	1.1	(2.7)	0.0	(0.0)	0.0	(0.0)
Groundwater Slope		0.1	(0.2)	0.0	(0.0)	0.0	(0.0)	0.1	(0.2)	0.0	(0.0)	0.0	(0.0)
Lacustrine Fringe		49.4	(122.1)	0.0	(0.0)	25.1	(62.0)	24.3	(60.1)	0.0	(0.0)	0.0	(0.0)
Total		987.2	(2439.3)	109.2	(269.8)	610.5	(1508.5)	252.1	(622.9)	14.4	(35.5)	1.1	(2.6)

Table 4.12-2 Average Functional Values for Functional Rating

Functional Rating	Average Functional Value
High	0.88 to 1.0
High-to-Medium	0.63 to 0.87
Medium	0.38 to 0.62
Medium-to-Low	0.18 to 0.37
Low	0.00 to 0.17

4.12.2.1 Hydrogeomorphic Wetland Classes

As described in the Final EIS, wetlands in the study area can be categorized by geomorphic setting, water source, and hydrodynamics. As mentioned above, three wetland classes are present in the study area: depressional, groundwater slope, and lacustrine fringe. Each wetland class consists of one or more vegetation types. Lacustrine fringe wetlands have perhaps the widest diversity of vegetation communities associated with them, because of the cycle of succession that is associated with the ebb and flow of Great Salt Lake.

Depressional Wetlands

As described in the Final EIS, depressional wetlands are characterized by topographic depressions or basins where surface waters collect. The primary hydrology source is precipitation, both direct and from surface runoff, although the deeper basins may also intersect the groundwater table. The hydrodynamics are primarily vertical, although horizontal flow may occur when basins fill to capacity and overflow via one or more outlets. Depressional wetlands vary in depth, and because the lower elevations remain wet for longer periods of time, the deeper parts of the wetlands support vegetation types that require more water than the margins or the shallower wetlands.

The areas west of Redwood Road have many depressional wetlands where precipitation is the major hydrological source. Wetland hydrology of these depressional wetlands usually peaks in March and April, when snowmelt and precipitation events are most frequent. The rest of the depressional wetlands derive their hydrology from a combination of precipitation, groundwater, and surface flows.

There are approximately 178 ha (441 ac) of depressional wetlands in the study area, comprising 18 percent of all wetlands in the study area. They mostly have a high-to-medium functional rating score.

Groundwater Slope Wetland

As described in the Final EIS, groundwater slope wetlands are found in areas where the subsurface groundwater intersects the soil surface. The hydrodynamics are primarily horizontal and unidirectional, with flow moving from the groundwater table through the wetlands to an outlet. Most groundwater slope wetlands in the study area are associated with small surface streams or creeks that have their origins in small seeps and springs near the foot of the Wasatch Mountains. Most groundwater slope wetlands are found west of Farmington and to a lesser extent west of Redwood Road

There are approximately 213 ha (526 ac) of groundwater slope wetlands in the study area, comprising 21 percent of all wetlands in the study area. Most groundwater slope wetlands have a high functional rating score.

Lacustrine Fringe Wetlands

As described in the Final EIS, lacustrine fringe wetlands are found at the edge or fringe of Great Salt Lake. The hydrodynamics are bidirectional, with wetland hydrology derived directly from the lake or impoundment. The lake (impoundment) level fluctuates, depending on the time of year. During the spring, water is at the highest level and may slowly draw down through the summer and fall. Water depths are usually 2 m (6.5 ft) or less. There are approximately 596 ha (1,472 ac) of lacustrine fringe wetlands in the study area. Lacustrine fringe wetlands comprise 60 percent of all wetlands in the study area. They mostly have a high-to-medium functional rating score.

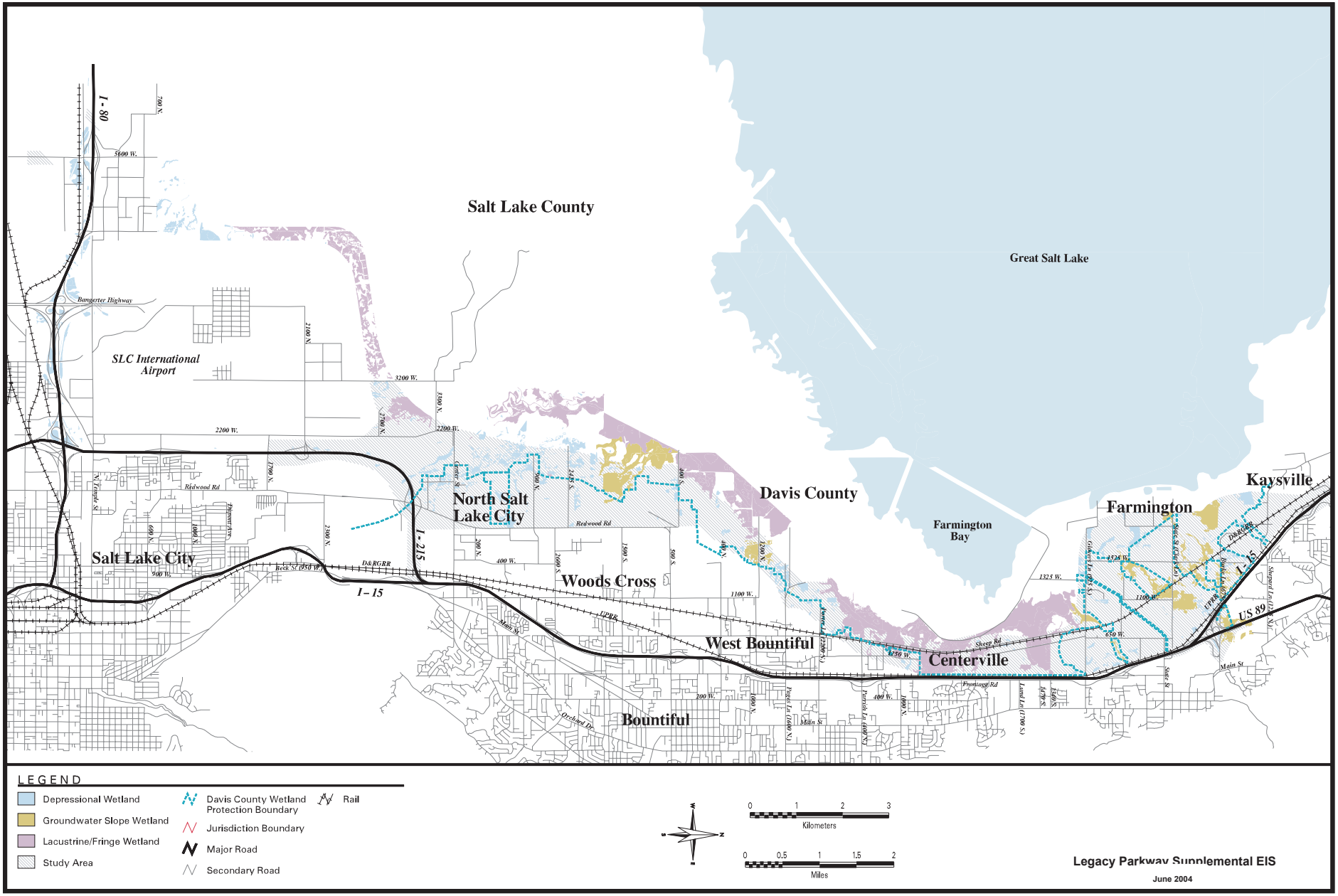

Figure 4.12-1
Jurisdictional Wetlands

The wetlands that surround the Farmington Bay Waterfowl Management Area (FBWMA) are lacustrine fringe wetlands of Great Salt Lake. These lacustrine fringe wetlands are important because the area is used heavily by waterfowl and shorebirds and functions as flood storage for Great Salt Lake during high-water years.

4.12.2.2 Wetland Cover Types

Within each of the HGM wetland categories described above, there can be several different wetland vegetation cover types. As mentioned above, there are seven cover types present in the study area; these cover types are listed in Table 4.12-3 and described in detail in Appendix D. Section 4.13, *Wildlife*, also presents information on the wildlife use of these wetland cover types. Because the wetlands analysis focused more on the vegetation and physical properties of the wetlands and the wildlife analysis focused primarily on wildlife use of the wetlands, the approach, methodology, and habitat types for the wildlife analysis differed from those used for the wetlands analysis. Table 4.12-3 presents a comparison of wetland cover types analyzed in this section and corresponding wildlife habitat types analyzed in Section 4.13 of this document. Although only wetland cover types are discussed in this section, surrounding uplands also affect the ability of wetlands to perform their functions. Section 4.13, *Wildlife*, of this document discusses uplands more specifically.

Table 4.12-3 Comparison of Wetland Cover Types and Corresponding Wildlife Habitat Types

Wetland Cover Type	Wildlife Habitat Type
Forested wetland	Riparian*
Scrub-shrub	Riparian*
Marsh	Emergent marsh
Wet meadow	Wet meadow
Playa	Mudflat/pickleweed
Unconsolidated shore	Mudflat/pickleweed
Open water	Open water

Note:
*Riparian wildlife habitat contains uplands as well as wetlands.

4.12.2.3 Wetland Functions

For this Supplemental EIS, the lead agencies reviewed the wetlands functional assessment conducted for the Final EIS and all available information pertinent to the nature and function of the wetlands in the study area. Appendix D, *Wetlands Functional Assessment Technical Appendix,* provides a detailed description of wetland functions and functional capacity units. In summary, as described in the Final EIS, wetlands in the study area perform functions in three basic categories: hydrology, biogeochemistry, and flora and fauna habitat support. For this evaluation, these three function categories were measured according to five specific functions.

- Function 1: Wetland hydrology maintenance.

- Function 2: Dissolved elements and compounds removal.
- Function 3: Particulate retention.
- Function 4: Habitat structure.
- Function 5: Habitat connectivity, fragmentation, and patchiness.

A discussion of wetland functions in the study area is provided in Appendix D.

4.12.2.3 Wetlands and Great Salt Lake Flooding

Lacustrine fringe wetlands adjacent to Great Salt Lake are subject to Great Salt Lake's natural long-term cycles of rising and falling. As a consequence, wetland functions in the lacustrine fringe wetlands change naturally in accord with the varying hydrologic regime and are not constant. The effects of changing lake levels are analyzed in detail in the *Wildlife Impacts Analysis Technical Memorandum* (Jones & Stokes 2004). This section summarizes this natural effect on wetlands.

The natural flood-drought cycle alters the composition and structure of the vegetation in the wetlands adjacent to Great Salt Lake, with subsequent changes in wetland functions that are vegetation-dependent. In the initial stages, abundant runoff into the wetlands adjacent to the lake promotes the development of marsh vegetation. Salts are leached from the soil, and the plant community becomes less halophytic. As Great Salt Lake rises, however, vegetation on the lake margins is affected by increased salinity and prolonged submersion. As floodwaters expand the lake margin eastward, the vegetation east of the lake becomes more hydrophytic. Areas dominated by upland vegetation are converted to wetlands under the new hydrologic regime. Wave action breaks up the dead vegetation and scours the now-denuded lake margins, converting vegetated wetlands to open water. At the highest lake levels, more than 85 percent of the wetlands in the study area would be converted to open water (Jones & Stokes 2004).

As the lake waters recede, bare ground and mud flats are left. At first, halophytic vegetation is established. The influx of salts during flood events is important for maintaining the playas. In depressional areas, salts accumulate as the surface water evaporates, maintaining playas and wet meadows dominated by halophytes. Freshwater marsh and wet meadow develop where groundwater discharge supports wetland vegetation and where salt-laden runoff is exported by surface drainage. As salts are flushed from the soil by surface runoff or by groundwater discharge, the plant communities change over time to become less halophytic. Areas no longer subject to wetland hydrology are colonized by upland species.

Changing lake levels also affect other wetland functions. Lacustrine fringe wetlands are supported by lake water. During extended drought periods, when lake levels fall, wetlands immediately adjacent to the lake may still receive some hydrologic input from the lake water. However, lacustrine fringe wetlands further from the lake may be supported only by precipitation or by groundwater when the lake level is low.

The ability of wetlands to remove dissolved substances and retain particulates is directly related to the cover and biomass of the wetland vegetation. At the highest lake levels, much of the area once covered by wetlands has been converted to open water habitat. Consequently, the ability of wetlands along the east shore of the lake to filter dissolved substances and retain particulates is greatly reduced during flood events, and their function as a buffer between development and the lake is also greatly reduced.

Wetlands east of Great Salt Lake are important for providing a diversity of habitats. This habitat diversity is maintained to a large degree by variation in the lake level. When the lake floods, the wildlife habitat function of the wetlands changes greatly. As the lake levels drop, these changes begin to reverse. Playas and other saline wetlands become reestablished, together with the wildlife dependent on them. At other locations, large unvegetated areas are exposed, and there is a lag period before the wetland and upland habitat becomes reestablished. This natural cycle of disturbance also makes the wetlands more vulnerable to invasion by exotic species, which displace native plant species and do not provide the same habitat value as native species.

The wetlands functional assessment was conducted for current conditions, i.e., low lake levels. Under a different hydrologic regime, i.e., high or intermediate lake levels, there would be differences in the quantity and relative abundance of each wetland type in every wetland category and differences in wetland functions.

4.12.3 Environmental Consequences and Mitigation Measures

As described in the Final EIS, all the build alternatives would affect wetland resources in the study area. Two categories of wetland impacts would occur, direct and indirect, both of which are characterized in this discussion according to which wetland functions are being affected. The Final EIS based the quantitative discussion of wetland impacts on the three HGM wetland classes described in Section 4.12.2.1. This section separates wetland impacts according to wetland cover types to provide additional ecological context by which to interpret the analysis. This section also provides updated information on the following topics.

- The acreage of wetlands filled due to construction of the Legacy Parkway project since publication of the Final EIS (i.e., Alternative D [Final EIS Preferred Alternative]).
- Additional acres of wetlands located on parcels added to the proposed Legacy Nature Preserve after publication of the Final EIS.
- Updated information relative to direct wetland impacts based on the narrowed right-of-way width proposed for the build alternatives (95 m [312 ft] vs. 100 m [328 ft]).

Wetlands directly affected (i.e., filled) by projects not related to the Legacy Parkway project were included in the cumulative effects analysis and are discussed in Section 4.21, *Cumulative Effects*.

The following sections describe wetland impacts for all the proposed build alternatives. However, because the HGM model was not re-run to account for the proposed narrower right-of-way (i.e., 95 m [312 ft]), the discussion of indirect impacts and impacts on wetland functions presented below is based on the 100-m (328-ft) right-of-way analyzed in the Final EIS. As a result, for those impact categories, a discussion of impacts associated with Alternative E is not specifically presented. Given the narrower right-of-way of Alternative E, it can be assumed that indirect impacts and impacts on wetland functions are somewhat less than those presented for Alternative D. The acreage of direct impacts on wetlands associated with Alternatives D and E has been differentiated and is represented in Table 4.12-5.

4.12.3.1 Direct Impacts

Direct impacts are impacts that would occur as a result of ground disturbance, including earthwork (clearing, grading, excavation and fill) to create the road bed, the landscaped berm, and the trail; construction of bridges and other structures; utility relocations; construction vehicle traffic; and staging and storage areas.

For the initial impact analysis calculations made for the Final EIS, it was assumed that direct impacts associated with the build alternatives would be limited to the area within the proposed action right-of-way, and that all the area within the project right-of-way would be directly affected. The impact analysis was carried out by assuming that all wetlands within the project right-of-way would be filled. However, site-specific conditions at some locations within the right-of-way could allow the final design to incorporate a narrower footprint; consequently, some wetland areas within the right-of-way may not actually be filled. As a result, estimated impacts on wetlands are considered a worst-case analysis. A separate analysis was carried out for each proposed build alternative.

Fifty-eight wetlands were entirely or partially filled by the initial clearing and grading for Legacy Parkway or by Legacy-related construction activities associated with the I-15/US-89 interchange in Farmington; the total extent of project-related fill was 19.4 ha (47.9 ac). Five other wetlands were partially filled by construction of temporary access roads in the Legacy Nature Preserve; the total extent of project-related fill in the Legacy Nature Preserve was 0.1 ha (0.3 ac). Because these wetlands were filled in conjunction with the Legacy Parkway project, their condition prior to the construction activities was used for assessing baseline conditions.

Table 4.12-4, which updates Table 4-20 in the Final EIS, summarizes the potential direct impacts in terms of the total area affected by each proposed build alternative. Figures 4-14a through 4-14d in the Final EIS show the wetland polygons that would be directly affected by the right-of-way of each build alternative, assuming a 100-m (328-ft) right-of-way.

Table 4.12-4 Direct Impacts on Wetlands by Wetland Class and Wetland Cover Type (for 100-m [328-ft] Right-of-Way

		Area in Hectares (Acres)							
Wetland Class	Wetland Cover Type	Alternative A		Alternative B		Alternative C		Alternative D	
Depressional		0	(0)	0	(0)	0	(0)	0	(0)
Groundwater Slope	Forested Wetland	0	(0)	0	(0)	0	(0)	0	(0)
Lacustrine Fringe		0	(0)	0	(0)	0	(0)	0	(0)
Depressional		0	(0)	0	(0)	0	(0)	0	(0)
Groundwater Slope	Shrub-Scrub	0	(0)	0	(0)	0	(0)	0	(0)
Lacustrine Fringe		0	(0)	1	(3)	0	(0)	0	(0)
Depressional	Marsh	1	(2)	2	(4)	1	(2)	1	(3)
Groundwater Slope		1	(2)	4	(10)	1	(4)	1	(3)

Wetland Class	Wetland Cover Type	Area in Hectares (Acres)							
		Alternative A		Alternative B		Alternative C		Alternative D	
Lacustrine Fringe		8	(19)	16	(38)	7	(17)	7	(18)
Depressional		17	(43)	15	(38)	17	(42)	17	(42)
Groundwater Slope	Wet Meadow	8	(19)	11	(26)	7	(16)	6	(14)
Lacustrine Fringe		4	(9)	7	(16)	9	(23)	4	(9)
Depressional		2	(5)	4	(10)	6	(14)	5	(12)
Groundwater Slope	Playa	0	(0)	2	(5)	1	(4)	1	(2)
Lacustrine Fringe		1	(2)	2	(5)	6	(14)	2	(4)
Depressional		0	(0)	0	(0)	0	(0)	0	(0)
Groundwater Slope	Unconsolidated Shore	0	(0)	0	(0)	0	(0)	0	(0)
Lacustrine Fringe		0	(0)	6	(15)	5	(13)	0	(0)
Depressional		0	(0)	0	(0)	0	(0)	0	(0)
Groundwater Slope	Open Water	0	(0)	0	(0)	0	(0)	0	(0)
Lacustrine Fringe		3	(7)	7	(16)	0	(0)	3	(7)
Totals*		44	(108)	76	(187)	60	(148)	46	(114)

Note:
* Includes acreage of wetlands already filled during previous construction activities.

Reduction of the right-of-way width from 100 m (328 ft) to 95 m (312 ft) would reduce impacts on wetlands under all proposed build alternatives, as illustrated in Table 4.12-5.

4.12-5 Direct Impacts on Wetlands under 328-ft Right-of-Way and 312-ft Right-of-Way

	Build Alternatives in hectares (acres)			
	Alternative A	Alternative B	Alternative C	Alternative D/E*
Acreage of Wetlands Impact – 100-m (328-ft) Right-of-Way	44 (108)	76 (187)	60 (147]	46 (114]
Reduction in Wetlands Impact Associated with Narrower 95-m (312-ft) Right-of-Way	2 (4)	2 (5)	1 (2)	1 (1)
Acreage of Wetland Impact – 95-m (312-ft) Right-of-Way	42 (104)	74 (182)	59 (145)	45 (113)

Notes:

All conversions have been rounded.

* Alternative D represents the 100-m (328-ft) right-of-way alignment from the Final EIS; Alternative E represents the 95-m (312-ft) right-of-way alignment evaluated in the Supplemental EIS.

Design flexibility, or the ability for the designer to modify facility components (consistent with design standards) to avoid sensitive resources, would be used during construction of the proposed highway to reduce the project footprint and subsequent impact on wetland resources. Specifically, it is anticipated that design flexibility would result in an additional savings of approximately 1 ha (2 ac) of wetlands during construction of the build alternatives. In addition, during initial construction of the Final EIS Preferred Alternative (Alternative D), the design-builder identified 6 ha (14 ac) of wetlands in the right-of-way (primarily in the north and south interchanges) that would not be affected during construction. Although this 6-ha (14-ac) savings is specifically associated with the final design of Alternative E, it is likely that a similar amount of wetland area would be avoided during construction of Alternatives A, B, and C as well.

No-Build Alternative

Existing Conditions

Under the No-Build Alternative, there would be no project-related direct impacts on wetlands resources. If none of the build alternatives is chosen, wetlands affected by project-related impacts to date (2004) would either be restored to preconstruction conditions or mitigated, at the instruction of the Corps. However, areas currently designated for incorporation into the Legacy Nature Preserve that are not used to mitigate project-related impacts on wetlands would be, under current law, beyond UDOT's authority to retain.

Future Conditions (2020)

At the current rate of development, the areas between the existing developed areas east of Legacy Parkway and Great Salt Lake will likely be developed by 2020. Wetland resources will likely be affected, although the nature, timing, and location of any impacts were not known at the time the wetlands functional assessment was done or at the time of this Supplemental EIS. Projects that have occurred since the Final EIS was published and the location of planned development are discussed in Section 4.1, *Land Use*, of this document. Future build-out conditions not associated with any build alternative indicate a loss or degradation of 15.1 ha (37.4 ac) of marsh, 4.7 ha (11.6 ac) of playa, and 27.8 ha (68.7 ac) of wet meadow habitats in the project study area from development not related to Legacy Parkway (see Section 4.13, *Wildlife*). Any proposed fill on wetland resources would have to be authorized under Section 404 of the CWA before impacts could occur.

Build Alternatives

Alternative A

Alternative A would have the lowest amount of direct impacts on wetlands of the build alternatives. In the Final EIS, it was calculated that a total of 44 ha (108 ac) of wetlands in the study area would be filled under this alternative. As a result of the reevaluation and project changes, the total acres of direct wetlands impact for this alternative have been reduced to 42 ha (104 ac) (Table 4.12-5). Affected wetlands would be at the higher elevations along the east side of the study area, with direct impacts

primarily on wet meadow in depressional and groundwater slope wetlands and on marsh in the lacustrine fringe wetlands adjacent to Great Salt Lake.

Alternative B

Alternative B would have the highest amount of direct impacts on wetlands of the build alternatives. In the Final EIS, it was calculated that a total of 76 ha (187 ac) of wetlands in the study area would be filled under this alternative. As a result of the reevaluation and project changes, the total acreage of wetlands subject to direct impacts by this alternative has been reduced to 74 ha (182 ac) (Table 4.12-5). The primary impacts would be on lacustrine fringe wetlands and wet meadow cover type. Marsh, wet meadow, unconsolidated shore, and open water habitats would be filled in the lacustrine fringe wetlands at the lower elevations along the west side of the study area. Wet meadow would also be filled in depressional and groundwater slope wetlands.

Alternative C

Alternative C would have more direct impacts on wetlands than Alternative A or Alternative D, but less than Alternative B. In the Final EIS, it was calculated that a total of 60 ha (147 ac) of wetlands in the study area would be affected under this alternative. As a result of the reevaluation and project changes, the total acreage of wetlands subject to direct impacts by this alternative has been reduced to 59 ha (145 ac) (Table 4.12-5). The primary impacts would be on lacustrine fringe wetlands and wet meadow cover type. Marsh, wet meadow, unconsolidated shore, and open water habitats would be filled in the lacustrine fringe wetlands at the lower elevations along the west side of the study area. Wet meadow would be filled in depressional and groundwater slope wetlands, and playa would be filled in depressional wetlands.

Alternative E

It was disclosed in the Finale EIS that Alternative D would have more direct impacts on wetlands than Alternative A but less than Alternatives B and C. A total of 46 ha (114 ac) of the wetlands in the study area would be filled under this alternative. As a result of modifying Alternative D to create Alternative E with a reduced right-of-way width, the total acres of direct wetlands impact for Alternative E would be 45 ha (113 ac) (Table 4.12-5). Affected wetlands would be at the higher elevations along the east side of the study area, with direct impacts primarily on wet meadow and playa in depressional wetlands, on wet meadow in groundwater slope wetlands, and on marsh in the lacustrine fringe wetlands adjacent to Great Salt Lake.

4.12.3.2 Indirect Impacts

Indirect impacts are impacts that occur later in time and impacts that could affect the function of wetlands located outside the project footprint. The following effects are examples of indirect impacts that the Legacy Parkway project could have on wetlands.

- During construction, ground disturbance would create wind-blown dust and potential for erosion of sediments into study area wetlands, which could adversely affect wetland hydrology and vegetation.
- Soil disturbance and removal of existing vegetation would increase the potential for the spread of invasive exotic plant species into the study area and potentially into wetlands.
- Construction materials, such as fuel, oil, lubricants, and concrete that may be spilled into study area wetlands could have adverse affects on vegetation and aquatic invertebrates.

- Construction of a new roadbed would create a barrier to surface water flows, altering the size or character of wetlands. The roadbed may compact underlying soils, altering the subsurface water flows in groundwater seep wetlands. The impervious road surface would also alter the local runoff pattern, affecting the hydrology of depressional wetlands.

- Deicing substances (salt, sand, and other substances) could be conveyed into the wetlands, with subsequent adverse effects on the vegetation and supported fauna. Traffic on the new road would generate particulates and contaminants, which could also have adverse effects on wetland habitat.

- Spills of hazardous materials transported via the parkway could have adverse affects on vegetation and aquatic invertebrates if the materials enter wetlands.

- The roadbed could create a barrier for movement of wildlife between wetlands, especially for reptiles and amphibians.

Many of these indirect effects are discussed in more detail in this document in Section 4.10, *Water Quality*, and Section 4.13, *Wildlife*.

The effects of specific impact mechanisms were not addressed by the wetland functional assessment conducted for the Final EIS. Instead, an estimate of the general level of wetland function indirectly lost because of project construction was calculated for wetlands within 305 m (1,000 ft) of the project footprint. A separate analysis of indirect impacts was carried out for each alternative, as summarized below. Table D-5 in Appendix D summarizes quantitatively the potential indirect impacts in relation to the total area affected under each proposed alternative. These indirect impacts are in addition to the direct impacts shown in Table 4.12-5. Figures 4-14a through 4-14c in the Final EIS show the wetlands that would be indirectly affected by each alternative. Indirect impacts on wetland functions are discussed in more detail in Section 4.12.3.3 below.

No-Build Alternative

Existing Conditions

Under the No-Build Alternative, there would be no project-related indirect impacts on wetlands resources. If none of the build alternatives is selected, wetlands affected by project-related impacts to date (2004) would either be restored to preconstruction conditions or mitigated at the instruction of the Corps. However, areas currently designated for incorporation into the Legacy Nature Preserve that are not used to mitigate for project-related impacts on wetlands would be, under current law, beyond UDOT's authority to retain.

Future Conditions (2020)

Currently, open space in Davis County is being developed at a rate of approximately 280 ha (700 ac) per year (Davis County 2003f). If growth continues at this rate, which it is projected to do (see Section 4.1, *Land Use*), all the developable land within the study area will be developed by 2020. Even assuming that no wetlands in the study area are filled and therefore directly affected, it is likely that many wetlands in the area will be indirectly affected by this other predicted development. Based on the wetlands functional assessment, about 74 percent of the wetlands in the study area would be indirectly affected by 2020 by future development not related to Legacy Parkway.

Build Alternatives

Alternative A

Of the build alternatives, Alternative A would have the lowest amount of indirect impacts on wetlands. About 218 ha (539 ac) of wetlands in the study area would be indirectly affected under this alternative. In depressional wetlands, the indirect impacts primarily would be on wet meadow and playa. In groundwater slope wetlands, the indirect impacts primarily would be on wet meadow and marsh. In lacustrine fringe wetlands, the indirect impacts would be on marsh, wet meadow, unconsolidated shore, and open water.

Alternative B

Of the build alternatives, Alternative B would have the greatest amount of indirect impacts on wetlands. About 40 ha (1,011 ac) of wetlands in the study area would be indirectly affected under this alternative. This alternative would have substantial indirect effects on all three wetland classes. Much of the indirect effect on wetlands would be on wet meadow, but there would also be substantial indirect effects on marsh, playa, unconsolidated shore, and open water habitats.

Alternative C

Alternative C would have more indirect impacts on wetlands than Alternative A or Alternative D but less than Alternative B. About 367 ha (907 ac) of wetlands in the study area would be indirectly affected under this alternative. Wetlands affected would be similar to those affected under Alternative B.

Alternative D

Alternative D would have more indirect impacts on wetlands than Alternative A but less than Alternatives B and C. About 233 ha (575 ac) of wetlands in the study area would be indirectly affected under this alternative. Wetlands affected would be similar to those affected under Alternative A.

4.12.3.3 Impacts on Wetland Functions

Impacts on wetland functions were quantified using the wetlands functional assessment models developed for the Final EIS (discussed in Section 4.12.1.2). These impacts were calculated as the change in wetland function multiplied by the area of affected wetlands. All wetland functions would be reduced to zero for wetlands or portions of wetlands that would be directly affected within the right-of-way.

Impacts on wetland functions were prepared for each wetland category and each wetland cover type and are summarized below by alternative. Tables E-6 to E-10 in Appendix D, which update and supplement Tables 4-20 and 4-22 in the Final EIS, present these impacts quantitatively by wetland function.

No-Build Alternative

Existing Conditions

Under the No-Build Alternative, there would be no project-related direct or indirect impacts on wetlands functions. If none of the build alternatives is selected, wetlands affected by project-related impacts to date (2004) would either be restored to preconstruction conditions or mitigated at the instruction of the Corps. Howver, areas currently designated for incorporation into the Legacy Nature Preserve that are not used to mitigate project-related impacts on wetlands would be, under current law, beyond UDOT's authority to retain. Future Conditions (2020)

As described above, it is likely that, by 2020, all the wetland resources in the study area will be either directly or indirectly affected by planned development. Although the nature and timing of this development is not definitive, such development would affect wetland functions in the study area.

Build Alternatives

The following describes how each of the different wetland functions would be affected by the proposed build alternatives.

Hydrology

Function 1: Maintain Wetland Hydrology

The ability of wetlands in the study area to maintain wetland hydrology would be altered by construction of Legacy Parkway. Wetlands that would be filled would lose the ability to perform this function. The new roadbed would create a barrier to surface water flows, altering the size and/or character of wetlands. Ponding on the upslope side of the roadbed would cause wetlands to pond more deeply and for longer periods, potentially shifting the habitat character towards a more aquatic type, whereas wetlands downslope of the roadbed would become drier, shifting the habitat character to a more upland type. A similar effect would be expected if the roadbed compacted underlying soils, altering the subsurface water flows in groundwater seep wetlands. Although the effects of soil compaction might only result in a few inches change in the groundwater levels, these changes would be sufficient to substantially alter the hydrology of wetlands that are only inundated a few inches deep for short, intermittent periods, such as the wet meadows and playas. The impervious road surface would increase the amount of surface runoff in the vicinity of the roadbed, potentially changing the habitat to a more hydric type. Table D-6 in Appendix D summarizes quantitatively the potential impacts of Legacy Parkway in the FCUs lost under each build alternative.

Alternative A

Alternative A would have the least effect on wetland hydrology. Most direct effects on wetland hydrology would be in depressional wetlands, and most of the indirect effects would be in groundwater slope and lacustrine fringe wetlands. Most wetland habitat affected would be wet meadow, although a large proportion of the indirect effects would be on marsh.

Alternative B

Alternative B would have the largest effect on wetland hydrology. Most direct effects on wetland hydrology would be on wet meadow and marsh habitats in all three wetland classes. Indirect effects would be on wet meadow and marsh habitats, primarily in lacustrine fringe wetlands, but also in groundwater slope wetlands.

Alternative C

Alternative C would have less effect on wetland hydrology than Alternative B but more than Alternative A and Alternative D. Most direct effects on wetland hydrology would be in lacustrine fringe and depressional wetlands, and most of the indirect effects would be on lacustrine fringe wetlands. Most wetland habitat affected would be wet meadow, but much marsh and playa habitat would also be affected.

Alternative D

Alternative D would have less effect on wetland hydrology than Alternatives B and C but more than Alternative A. Most direct effects on wetland hydrology would be in wet meadow in depressional wetlands. Most indirect effects would be on wet meadow in all three wetland classes, although a large proportion of the indirect effects would be on marsh and unconsolidated shore in lacustrine fringe wetlands.

Biogeochemistry

Function 2: Removal of Dissolved Elements and Compounds

The ability of wetlands in the study area to remove dissolved elements and compounds would be altered by construction of Legacy Parkway. Wetlands that would be filled would lose the ability to perform this function. This function would also be impaired in wetlands adjacent to the build alternatives, where the character of the vegetation would shift to a more upland type or where vegetation cover would decrease. This function would be enhanced where the character of the vegetation would shift to a more wetland type or where vegetation cover would increase. In addition, an increase in the level of dissolved elements and compounds is expected in wetlands adjacent to the road, which may exceed the ability of the wetland to perform this function. Table D-7 in Appendix D summarizes quantitatively the potential impacts of Legacy Parkway in the total FCUs lost under each build alternative.

Alternative A

Alternative A would have the least effect on the ability to remove dissolved elements and compounds. Most direct effects on this function would be in wet meadows, primarily in depressional wetlands. Most indirect effects on this function also would be in wet meadows but primarily in groundwater slope wetlands.

Alternative B

Alternative B would have the largest effect on the ability to remove dissolved elements and compounds. Most direct effects on this function would be on wet meadow habitat and on marsh in lacustrine fringe wetlands. Indirect effects would be on wet meadow, primarily in groundwater slope and lacustrine fringe wetlands, and on marsh habitats in lacustrine fringe wetlands.

Alternative C

Alternative C would have less effect on the ability to remove dissolved elements and compounds than Alternative B but more than Alternative A and Alternative D. Most direct effects on this function would be in wet meadow habitat. Most indirect effects on this function would be on wet meadow habitat and on marsh in lacustrine fringe wetlands.

Alternative D

Alternative D would have less effect on the ability to remove dissolved elements and compounds than Alternatives B and C but more than Alternative A. Most direct effects on wetland hydrology would be in wet meadow, primarily in depressional wetlands. Most indirect effects would be on wet meadow in depressional and groundwater slope wetlands.

Function 3: Particulate Retention

The ability of wetlands in the study area to retain particulates would be altered by construction of Legacy Parkway. Wetlands that would be filled would lose the ability to perform this function. This function

would also be impaired in wetlands adjacent to the Parkway where the character of the vegetation would be shifted to a more upland type or where vegetation cover would decrease. This function would be enhanced where the character of the vegetation would shift to a more wetland type or where vegetation cover would increase. In addition, an increase in the input of particulates is expected in wetlands adjacent to the road, which could cause the wetlands to silt in.

Although not addressed by the wetland functional assessment models, depressional wetlands would respond differently than non-depressional wetlands to an increased influx of particulates. Depressional wetlands would initially have a high capacity to retain particulates, but because water flow is primarily into the wetlands, over time they would silt in and lose this function and other functions. In contrast, non-depressional wetlands have a limited capacity to retain particulates and could be overwhelmed by particulate-laden water, so that particulates would pass through them unrestrained. However, because water flows through non-depressional wetlands, particulate-free water would remove particulates from the wetlands, and over time the ability to retain particulates would be restored.

Table D-8 in Appendix D summarizes quantitatively the potential impacts of Legacy Parkway in the total FCUs lost under each build alternative.

Alternative A

Alternative A would have less effect on the ability to retain particulates than Alternatives B and C but more than Alternative D. Most direct effects on this function would be in wet meadows, primarily in depressional wetlands. Most indirect effects on this function would be in wet meadows, marsh, and unconsolidated shore.

Alternative B

Alternative B would have the largest effect on the ability to retain particulates. Most direct effects on this function would be on wet meadow habitat and on marsh in lacustrine fringe wetlands. Indirect effects would be on wet meadow, primarily in groundwater slope and lacustrine fringe wetlands, and on marsh habitats in lacustrine fringe wetlands.

Alternative C

Alternative C would have less effect on the ability to retain particulates than Alternative B but more than Alternatives A and D. Most direct effects on this function would be in wet meadow habitat. Most indirect effects on this function would be on wet meadow habitat and on marsh in lacustrine fringe wetlands.

Alternative D

Alternative D would have the least effect on the ability to retain particulates. Most direct effects on wetland hydrology would be in wet meadow, primarily in depressional wetlands. Most indirect effects would be on wet meadow in depressional and groundwater slope wetlands.

Flora and Fauna Habitat Support

Function 4: Habitat Structure

The Legacy Parkway project would result in changes in the cover, composition, and hydrophytic character of the wetland vegetation in the study area, which would alter the ability of the wetlands to provide habitat to wildlife. Altering wetland hydrology would change the vegetation type or convert the wetland to upland. Soil disturbance and removal of existing vegetation would increase the potential for spread of invasive exotic plant species into study area wetlands, which would displace the native wetlands

plants. Spills of construction materials or hazardous materials into study area wetlands would adversely affect both vegetation and aquatic invertebrates. De-icing substances (salt, sand, and other substances) could be conveyed into the wetlands, with subsequent adverse effects on the vegetation and supported fauna. Although soils in the project area naturally have high salinity, salts from the roadway would be expected to accumulate in the wetlands.

Contaminants entering the wetland ecosystem at low levels, although not exceeding water quality standards for acute toxicity, would nevertheless be expected to accumulate in the wetland ecosystem. Depressional wetlands, especially those which lack outlets, would be particularly subject to buildup of these substances. The effects of these impacts on wildlife are discussed in more detail in Section 4.13, *Wildlife*, of this document. Table D-9 in Appendix D quantitatively summarizes the potential impacts of Legacy Parkway in the total FCUs lost under each build alternative.

Alternative A

Alternative A would have the least effect on habitat structure. Most direct and indirect effects on this function would be in wet meadow, primarily in depressional and groundwater slope wetlands.

Alternative B

Alternative B would have the largest effect on habitat structure. Most direct and indirect effects on this function would be on wet meadow habitat in all wetland classes. There would also be substantial direct and indirect effects on marsh in lacustrine fringe wetlands.

Alternative C

Alternative C would have less effect on habitat structure than Alternative B but more than Alternatives A and D. Most direct effects on this function would be in wet meadow habitat. Most indirect effects on this function would be on marsh in lacustrine fringe wetlands.

Alternative D

Alternative D would have less effect on habitat structure than Alternatives B and C but more than Alternative A. Most direct and indirect effects on habitat structure would be in wet meadow in all three wetland classes.

Function 5: Habitat Connectivity, Fragmentation, and Patchiness

The Legacy Parkway project would have adverse impacts on wetland habitat by fragmenting existing wetlands and creating a barrier between the resulting habitat fragments and other adjacent wetlands. In addition to creating a physical barrier, the road would alter the wetland hydrology of wetland complexes, causing some to become drier and others wetter, creating barriers that would prevent some species from moving between the wetlands. Loss of wetland character would also result in the loss of permanent habitat and foraging area. The effects of these impacts on wildlife are discussed in more detail in Section 4.13, *Wildlife*.

Table D-10 in Appendix D summarizes quantitatively the potential impacts of Legacy Parkway in the total FCUs lost under each build alternative.

Alternative A

Alternative A would have the least effect on habitat connectivity, fragmentation, and patchiness. Most direct and indirect effects on this function would be in wet meadow, primarily in depressional and groundwater slope wetlands.

Alternative B

Alternative B would have the largest effect on habitat connectivity, fragmentation, and patchiness. Most direct and indirect effects on this function would be on wet meadow habitat in all wetland classes. There would also be substantial direct and indirect effects on marsh in lacustrine fringe wetlands.

Alternative C

Alternative C would have less effect on habitat connectivity, fragmentation, and patchiness than Alternative B but more than Alternatives A and D. Most direct and indirect effects on this function would be on wet meadow habitat in all wetland classes. There would also be substantial direct and indirect effects on marsh in lacustrine fringe wetlands.

Alternative D

Alternative D would have less effect on habitat connectivity, fragmentation, and patchiness than Alternatives B and C but more than Alternative A. Most direct and indirect effects would be in wet meadow in all three wetland classes.

4.12.3.4 Mitigation Measures

The following sections describe the measures proposed to mitigate impacts on wetland resources associated with implementation of the build alternatives. The mitigation measures are described in terms of the three-step sequencing analysis used by the Corps to prioritize what measures are adopted to mitigate wetland impacts: avoidance, minimization, and compensation (e.g., restoration, enhancement, creation).

The mitigation packages proposed in this section are based on the assumption that all the wetlands within the right-of-way of the build alternatives would be affected. UDOT has indicated that it will apply for a modification to the Section 404 permit requesting 99 acres of fill (see Section 1.1.2, *Project Applicants Proposal*). In addition, as described in Section 4.12.2.1, *Direct Impacts,* a small number of the wetlands within the proposed right-of-way would be avoided through design flexibility. As such, these mitigation packages are based on acreages of wetland impacts that may, in fact, be greater than what would actually occur during project construction.

Avoidance and Minimization

As described in Chapter 3, *Alternatives,* five regional alignments were considered in the Final EIS, three of which eliminated from additional analysis partly because of their impacts on wetlands. Within the Great Salt Lake Corridor (i.e., the regional corridor containing the build alternatives evaluated in this Supplemental EIS), avoidance and minimization measures were used as much as possible in designing the alignment for each alternative. As described in the Final EIS, it would not be possible to build Legacy Parkway and avoid all impacts on wetlands. The build alternatives analyzed in this section and the Final EIS were evaluated in part because they represented alignments designed specifically to avoid wetland resources. In most cases, these alternatives represented the alternatives with the least impacts of the other

alternatives evaluated and eliminated in previous studies, although some alternatives with lower wetlands impacts were eliminated because of cost or relocation impacts or because the alternative failed to meet the project purpose and need.

Under all proposed build alternatives, measures to minimize wetland impacts would also be implemented during project construction and would be incorporated into the final project design. Floodplain equalization culverts would be placed under the road within the Corps floodplain boundary to maintain hydrologic connections between the east and west sides of the parkway during high lake levels. Surface- and groundwater conveyance structures would be installed wherever existing hydrologic connections or wetlands are present. The roadway design has also been modified to lower the embankment height in non-floodplain areas, which further minimizes the minor effect of soil compaction on the sub-surface water table. Best management practices (BMPs) would be used to limit the amount of eroded sediment and other materials that leave the right-of-way. Other mitigation measures for minimizing water quality impacts, such as vegetated filter strips, are discussed in Section 4.10, *Water Quality*.

Preservation

A major element of the mitigation for wetland impacts would be protection and maintenance in perpetuity of wetlands in the study area as part of the Legacy Nature Preserve. Preservation would result in a net loss wetland acres, but it is useful to remove threats to prevent loss or decline of wetland functions. The Corps may authorize wetland preservation as the basis of mitigation under exceptional circumstances, when the protection and maintenance of wetland functions is important to the region where those wetlands occur and where the wetlands are subject to demonstrable threat of loss or substantial degradation (Regulatory Guidance Letter No. 02-2, December 24, 2002).

The wetland complexes along the eastern shore of Great Salt Lake perform important physical, chemical, and biological functions. They are a buffer between the lake and developed lands in the I-15 corridor, provide flood storage during high-water years, and serve as a filter for surface waters flowing into the lake from the east. They provide nesting and foraging habitat for waterfowl and shorebirds and upland refuge habitat during flood events. Proposed mitigation lands would protect and maintain this buffer between the lake and developed lands in perpetuity.

Wetlands in the study area are under demonstrable threat of loss or substantial degradation from human activities not associated with the Legacy Parkway project. Most of these wetlands already have been degraded by agricultural conversion, development, and other land use changes. They face continued threats from projected growth and development in and to the west of the study area. The wetlands are interspersed with substantial areas of uplands that can be developed without obtaining wetland permits. The threats, therefore, are not only from direct changes to the wetlands but from the indirect effects that may result if available upland is, as projected, fully developed. As described in Section 4.1, *Land Use*, open space in Davis County is being developed at the rate of approximately 280 ha (700 ac) per year (Davis County 2003f). If this rate of development continues, which it is projected to do, most of the study area will be developed by 2020. As explained in the Final EIS, this development is projected to occur on uplands and does not account for possible authorized direct wetland filling for future development.

The Final EIS proposed establishing the Preserve to protect and maintain a buffer between Great Salt Lake and future development. A conceptual preserve was originally designed for each alternative that would preserve wetlands at a mitigation ratio of approximately 3:1 (three times as much area of wetlands preserved as wetlands lost) as well as providing wetland enhancement and restoration in addition to preservation. Four different conceptual preserves were developed, each configured according to the

location of the alternative alignment and the amount of affected wetlands (see Figures 4-14a through Figure 4-14d in the Final EIS).

Legacy Nature Preserve

As described in the Final EIS, the Legacy Nature Preserve was proposed to protect the large tracts of wetlands complexes adjacent to Great Salt Lake that are at risk of being lost of impaired by future development.

Section 4.12.4 of the Final EIS described the areal extent of the Legacy Nature Preserve associated with each build alternative. Based on the wetlands functional assessment in combination with an established ratio of area preserved wetlands to wetlands lost, the Legacy Nature Preserve was proposed to encompass approximately 440 ha (1,088 ac) for Alternative A; approximately 856 ha (2,116 ac) for Alternative B; approximately 621 ha (1,535 ac) for Alternative C; and approximately 506 ha (1,251 ac) for Alternative D (Final EIS Preferred Alternative). Properties associated with the Legacy Nature Preserve would be acquired by the state in fee simple title and managed in perpetuity according to a management plan coordinated with the resource agencies and other interests.

As described in the Final EIS, an additional 126 ha (317 ac) of mitigation lands proximate to the FBWMA were added to the Legacy Nature Preserve associated with Alternative D (Final EIS Preferred Alternative) at the request of the USFWS (Figure 4.12-2). This area is considered valuable wildlife habitat and was added to mitigate impacts on wildlife that USFWS believes were not captured by the wetlands functional assessment. In addition, after publication of the Final EIS and during preparation of the respective Records of Decision (RODs) by the Corps and FHWA, four additional parcels totaling 217 ha (530 ac) were added to the Legacy Nature Preserve to address EPA's concerns regarding the adequacy of the mitigation package proposed for Alternative D.

The incorporation of these additional parcels directly into the mitigation packages for the all the other proposed build alternatives would result in preservation of the following additional acreage of wetlands.

- Under Alternative E, 180 ha (446 ac) of wetlands (315 ha (778 ac) of wetlands in total).
- Under Alternative A, 193 ha (478 ac) of wetlands (337 ha [834 ac] of wetlands in total).
- Under Alternative B, 115 ha (285 ac) of wetlands (348 ha [861 ac] of wetlands in total).
- Under Alternative C, 106 ha (261 ac) of wetlands (323 ha [796 ac] of wetlands in total).

Inclusion of these additional mitigation lands equally under all the build alternatives would be discussed with the regulatory agencies upon selection of a preferred alternative to determine the adequacy of the mitigation package, and if the additional lands should be incorporated in full or in part. In either case, a mitigation package—proportionate to the amount of impacts and based on a similar analysis and the same principles as those used for the Legacy Nature Preserve identified for Alternative D in the Final EIS and for Alternative E in this document—would be proposed for all the build alternatives, with input for the Corps and other regulatory agencies.

Restoration and Enhancement

Wetland restoration and enhancement was proposed in the Final EIS as a viable mitigation method that could be used to offset impacts on wetland resources due to the historical alteration and degradation of wetlands in the study area. Since publication of the Final EIS, a number of restoration and enhancement

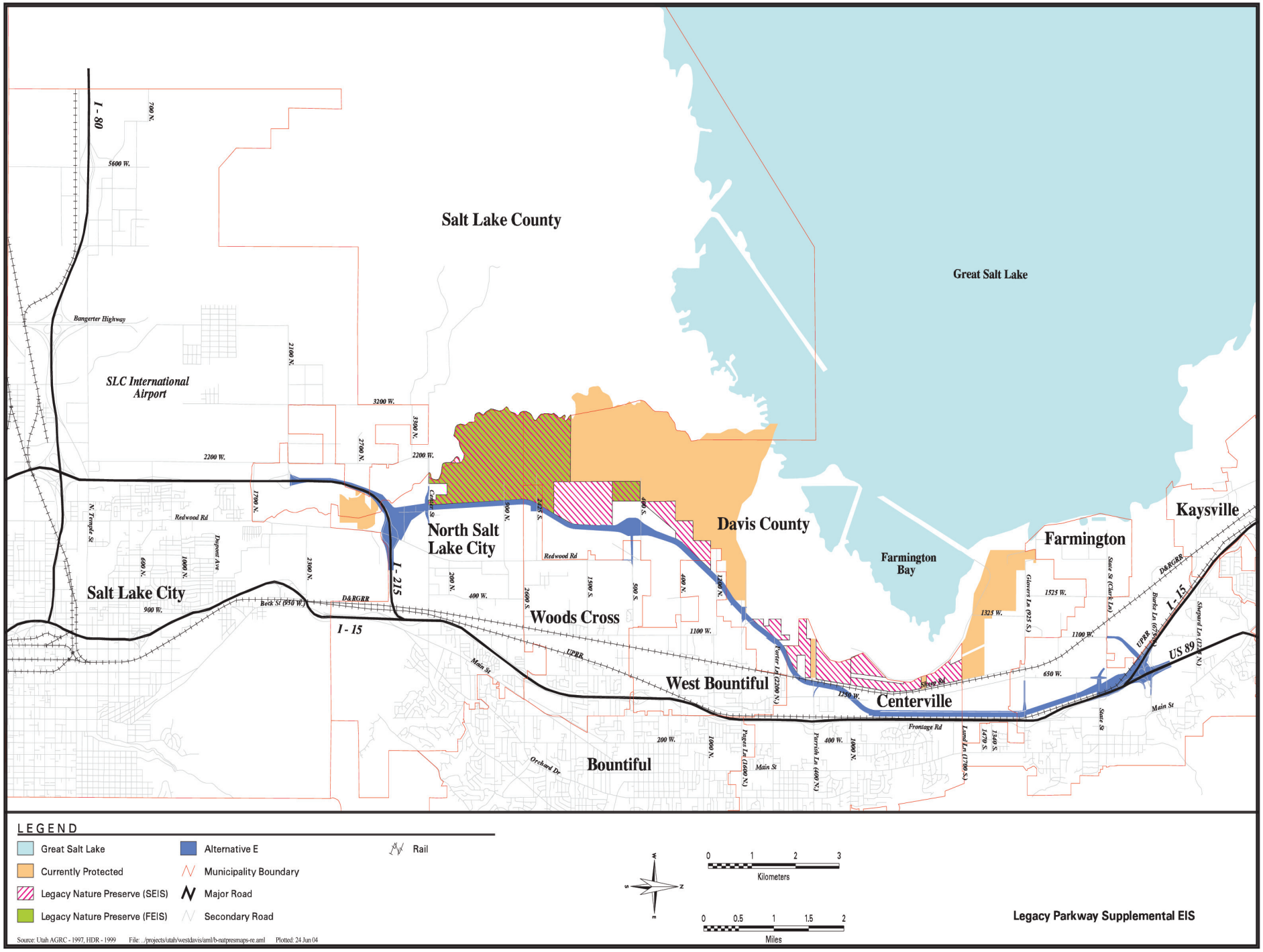

Figure 4.12-2
Parcels Associated with Legacy Nature Preserve

activities have occurred in the Legacy Nature Preserve associated with Alternative D (Final EIS Preferred Alternative). Specific actions taken in the Legacy Nature Preserve to date are presented in the following text to represent how such activities would mitigate wetland impacts under any of the proposed mitigation packages, regardless of which build alternative is implemented. In other words, although the location and extent of these restoration and enhancement actions would be slightly different under each proposed build alternative, the types of mitigation employed would be similar regardless of where the mitigation actions occur.

Hydrology Measures, including Wetlands Creation

In many of the proposed mitigation areas, wetland hydrology has been altered by farming, draining, and water development practices. The Final EIS proposed to restore hydrology in certain wetland areas as part of the mitigation proposal.

Within the Legacy Nature Preserve associated with Alternative D (Final EIS Preferred Alternative), several measures to mitigate impacts on wetlands have already been implemented. Implementing mitigation in the Legacy Nature Preserve has been subject to the terms of the Section 404 Permit and the Mitigation Plan approved by the Corps pursuant to that permit. These instruments provide additional information about the preservation, restoration, and enhancement activities conducted and to be conducted in the Legacy Nature Preserve.

Several measures have been implemented to restore wetland hydrology in the Preserve. Roads not required for maintenance have been removed and contoured to match the adjacent land. Most removed roads in the mitigation area are minor roads, and removing them has restored local hydrology by removing a barrier to overland water flow. Ditches, which were functioning as storm drainage conduits and effectively lowering the adjacent water table, have been filled and contoured to match the adjacent land. This action will stop draining of adjacent lands and raise the water table in the area. In addition, drain tiles within the southern portion of the Legacy Nature Preserve have been identified and will be plugged in order to raise the water table.

Additional mitigation measures to restore habitat structure include restricting grazing, removing trash, debris, illegal fill and structures, and relocating utilities. In one area where trash and debris were removed within the Legacy Nature Preserve, wetland hydrology reestablished, resulting in the physical restoration of 3.41 ha (8.43 ac) of wetlands. The wetland functional capacity has not been determined for these wetlands.

An active water management plan is being developed for the 121 ha (300 ac) Jordan River Floodplain in the southern portion of the Legacy Nature Preserve. Old channels and sloughs of the Jordan River historically were cut off from the main stem by levees that have prevented the Jordan River from flowing into its floodplain. Portions of the old channels had been filled. The net affect during the last 100 years was a gradual drying of the floodplain, less inundation of wetland areas, and species shifts in vegetative communities due to disturbance by livestock and farming activities.

The floodplain hydrology within the Legacy Nature Preserve is also being restored by reconstructing historic channels to a near natural state, returning water flows into the sloughs, providing a water delivery system into the floodplain, and controlling where the water pools and flows to restore and maintain fresh, brackish and saline wetlands habitats. Wetland vegetation is dependant on a complex interaction between timing, duration, depth, and salinity of water in the wetland. Maximizing the floodplain wetlands for wildlife productivity includes the ability to provide optimum timing, depths, and duration of delivery to the wetlands. A water delivery system has been developed that consists of inlet diversion, overflow weirs,

and water control structures. It will be used to provide periods of flooding, timely draw-downs and drying.

Water rights secured for the floodplain include the purchase of 1,400 acre feet of water from the South Davis detention basin fed by water from North Canyon Creek and South Davis storm drainage. This provides up to 6 cfs from April through October. UDOT has filed on an additional 20 cfs for all 12 months. In addition, 12 shares (about 48 acre feet) of North Point Consolidated Company water have been purchased.

Although the Final EIS did not recommend wetland creation to mitigate for wetland loss, wetland creation was discussed in concept in the mitigation plan for the ROD. These wetlands were to be created by using artesian wells to develop additional wetland hydrology within the mitigation preserve. These wells have been established, and approximately 4.9 ha (12 ac) of groundwater slope wetlands have been created.

Removal of Noxious Weeds

Large stands of noxious species of weeds have invaded the Great Salt Lake region and their current rapid spread continues to degrade the habitat support functions of the wetlands and uplands surrounding Great Salt Lake. They are usually introduced species not historically part of the landscape and are capable of spreading and taking over areas in relatively short periods of time, pushing out other more desirable, native species. Southern Davis County has large areas of largely uncontrolled and spreading noxious weeds including much of the proposed mitigation area. Noxious species invasive in the wetlands include poison hemlock *(Conium maculatum)* and perennial pepperweed *(Lepidium latifolium)*. Others species that are not as widespread but are increasingly invading the area along the Jordan River and drainage ditches include purple loosestrife (*Lythrum salicaria)*. Other species more typical of uplands may also form dense stands along wetland margins, including Scotch thistle *(Onopordum acanthium),* musk thistle *(Carduus nutans)*, Canada thistle (*Cirsium arvense),* white top *(Caradaria draba),* and field bindweed *(Convolvulus arvensis)*. The Section 404 permit for Alternative D (Final EIS Preferred Alternative) requires as part of the mitigation the development and implementation of a noxious and/or invasive plant control plan. The noxious and/or invasive plant control plan includes inventorying, initial eradication, and on-going control.

Monitoring

The Section 404 permit for Alternative D (Final EIS Preferred Alternative) states that existing playa, wet meadow, and marsh be quantified within the Jordan River floodplain, with the goal of retaining the relative percentages of these diverse habitats to within 25 percent of the baseline percentages. Five years of baseline vegetation and wildlife monitoring have been completed and monitoring will continue to verify these goals are being met and to determine vegetation and wildlife responses to management. An adaptive approach will be incorporated to increase productivity of wildlife.

Chapter 4.13
Wildlife

This section discusses wildlife and wildlife habitats in the project study area, the regional study area, and the Great Salt Lake Ecosystem (GSLE), as defined below. It updates the affected environment, potential environmental consequences on wildlife, and proposed mitigation measures presented in the Final EIS. The discussion of environmental consequences considers development since publication of the Final EIS, including construction activities associated with Alternative D (Final EIS Preferred Alternative; see Section 4.20) and unrelated development in the study area, and the revised right-of-way width and typical cross section associated with all the proposed build alternatives (see Chapter 3, *Alternatives*).

4.13.1 Approach and Methodology

As described in Section 2.5, *Wildlife Impacts Analysis*, in response to the tenth circuit court remand of the Final EIS for the Legacy Parkway project and comments received during public scoping, the federal lead agencies have expanded the scope of the wildlife analysis presented in the Final EIS. The wildlife analysis presented herein considers direct, indirect, and cumulative impacts on wildlife, particularly migratory bird species, within 305 m (1,000 ft) of the project right-of-way and beyond. To help develop the approach and methodology for addressing the wildlife issues raised by the court and other wildlife issues raised during scoping, the lead agencies and UDOT formed a science technical team consisting of resource agency scientists. The *Legacy Parkway Wildlife Impacts Analysis Technical Memorandum* (wildlife technical memorandum) (Jones & Stokes 2004) was prepared to document the process, methodology, and analysis for addressing wildlife impacts. This section of the Supplemental EIS is based on the results of that wildlife technical memorandum, as well as on review of the Final EIS and the administrative record.

Potential impacts of the proposed Legacy Parkway on wildlife were analyzed at two geographic levels within the GSLE: the project level (project study area) and the regional level (regional study area). These areas are described below and shown in Figures 4.13-1, 4.13-2 and 4.13-3.

4.13.1.1 Project Study Area

The study area for the project-level analysis encompassed the Final EIS wildlife study area, the proposed Legacy Nature Preserve mitigation area, and additional lands included in the wetland delineation study (Baseline Data, Inc. et al. 1998) (Figures 4.13-1 and 4.13-2). The project study area encompasses 4,186 ha (1,0344 ac), the total area for which high-resolution geographic information system (GIS) data was available for mapping wildlife habitats. The project-level analysis was conducted using this high-resolution dataset. The footprints of all the proposed build alternatives are entirely within the project study area.

4.13.1.2 Regional Study Area

The study area for the regional-level wildlife analysis was defined by three parameters: (1) a subset of U.S. Geological Survey (USGS) hydrologic units in the eastern portion of the GSLE, (2) the extent of these units for which comprehensive regional GIS land-use data were available, and (3) the portion of these areas below 1,433 m (4,700 ft) in elevation (Figures 4.13-1 and 4.13-3).

The 1,433-m (4,700-ft) elevational boundary was selected to include wetland habitats associated with Utah Lake that could potentially be used by migrating birds that also use the project study area. A variety of migrating bird species are likely to use both areas despite the differences in ecology (Utah Lake is a freshwater lake, whereas the project study area is associated with Great Salt Lake's saltwater ecosystem). The regional study area was used to evaluate all project-related effects on wildlife beyond the project study area.

4.13.1.3 Great Salt Lake Ecosystem

The proposed Legacy Parkway project is located on the southeast shore of Great Salt Lake. In this report, the GSLE refers to Great Salt Lake, its floodplains, and all adjacent wildlife habitats that are used by migratory bird species (Figure 4.13-4), as mapped in Aldrich and Paul (2002).

4.13.1.4 Methods Used to Acquire Information

The analysis and methodology presented in the wildlife technical memorandum was used to update the affected environment and environmental consequences information presented in Sections 3.13 and 4.13 of the Final EIS. The wildlife technical memorandum and supplemental wildlife analysis presented in this document were prepared with input from the science technical team, which comprised ecologists and biologists from FHWA, the Corps, UDOT, and their representative technical consultants, as well as wildlife biologists and technical experts from the U.S. Fish and Wildlife Service (USFWS), U.S. Environmental Protection Agency (EPA), and Utah Department of Natural Resources (UDNR). This inclusive approach was intended to ensure that the best available scientific information was acquired and appropriately analyzed in the Supplemental EIS. The following methods were used to acquire information on migratory birds, upland and wetland habitats, and special-status species in the GSLE.

- **Habitat Delineation**. Wildlife habitats within the project study area, including open water, riparian, emergent marsh, wet meadow, mudflat/pickleweed, pasture, cropland, salt desert scrub, and developed (urban landscaping), were delineated and mapped.

- **GIS Mapping**. Wildlife habitats around Great Salt Lake for which GIS data were available were mapped.

- **Species Identification**. Wildlife species that use or could potentially use the delineated habitats were identified, and their ecological status (seasonal occurrence, breeding and migratory status, habitat requirements, etc.) within the project study area and around Great Salt Lake was documented using available data.

- **Habitat Evaluation**. The ecological importance of the different habitats to migratory wildlife within the project study area and around Great Salt Lake was evaluated.

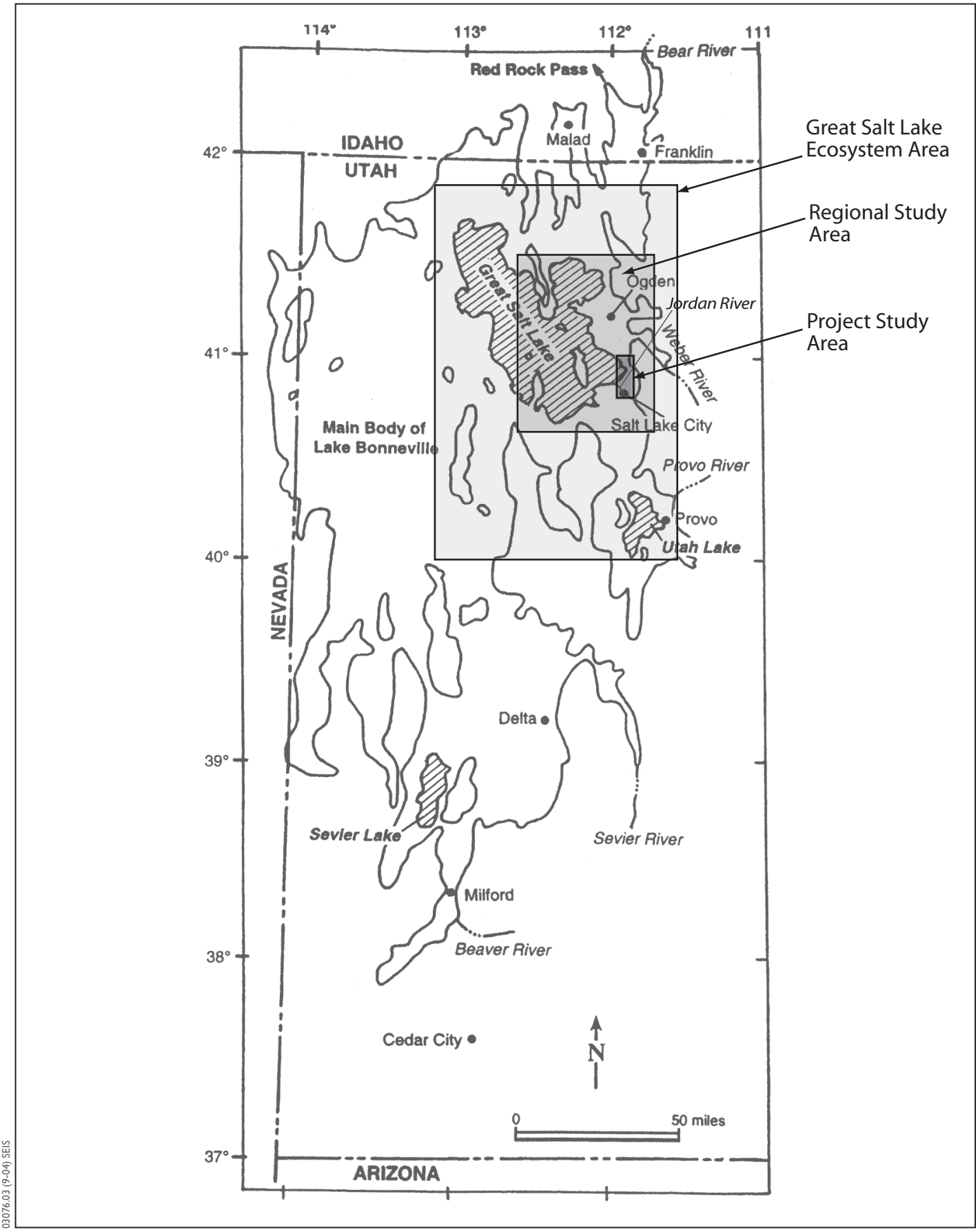

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Figure 4.13-1
Location of Great Salt Lake in Lake Bonneville Basin

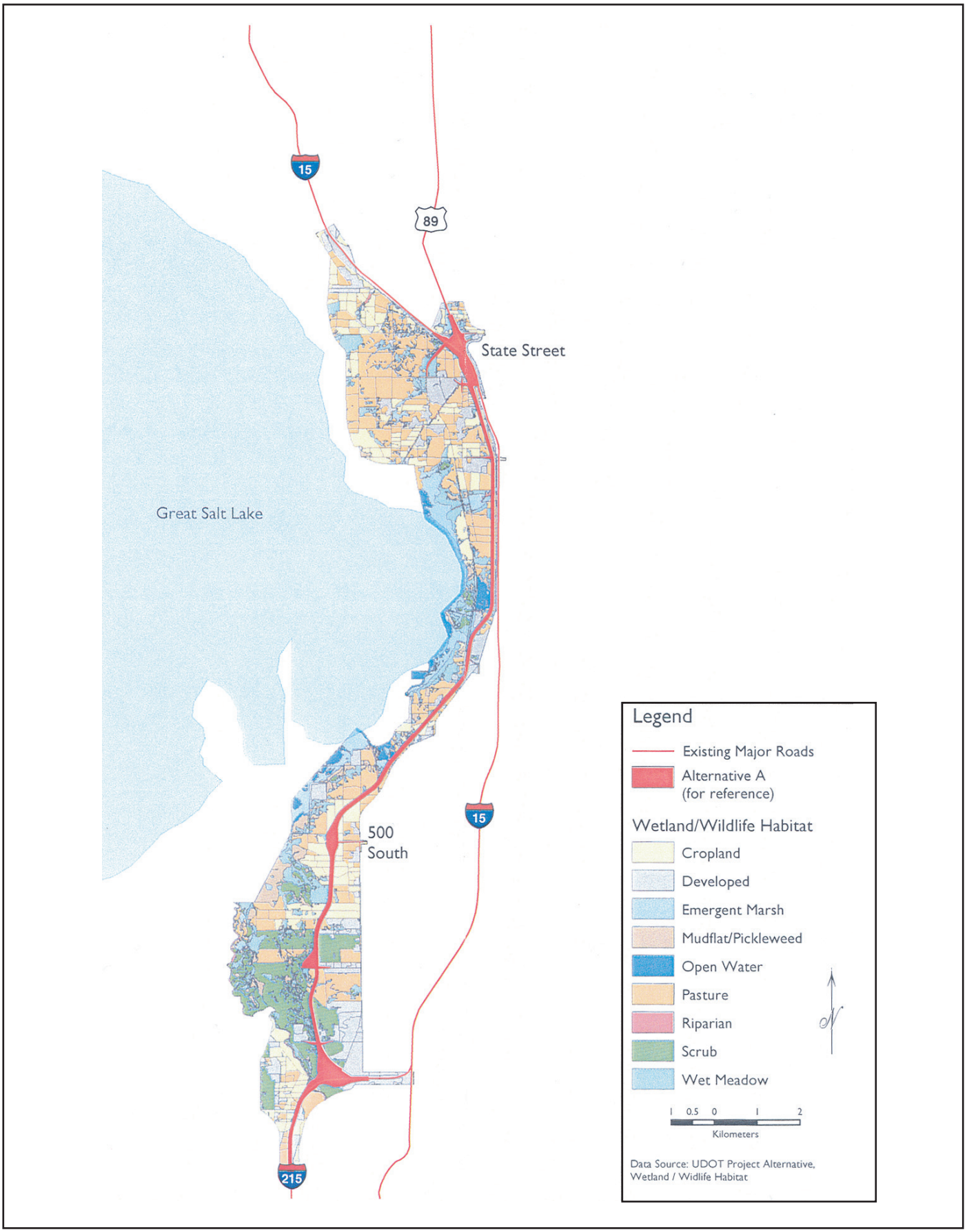

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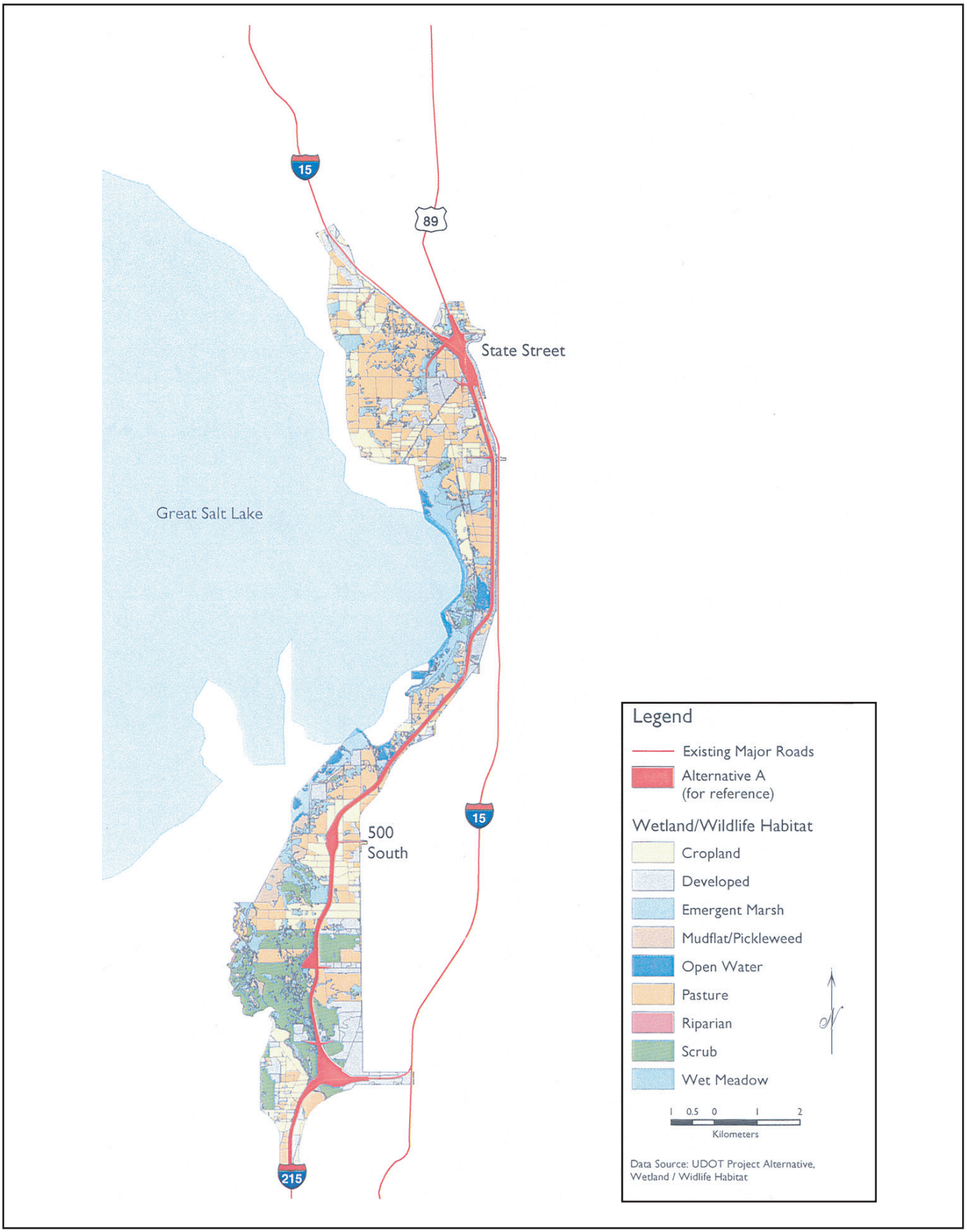
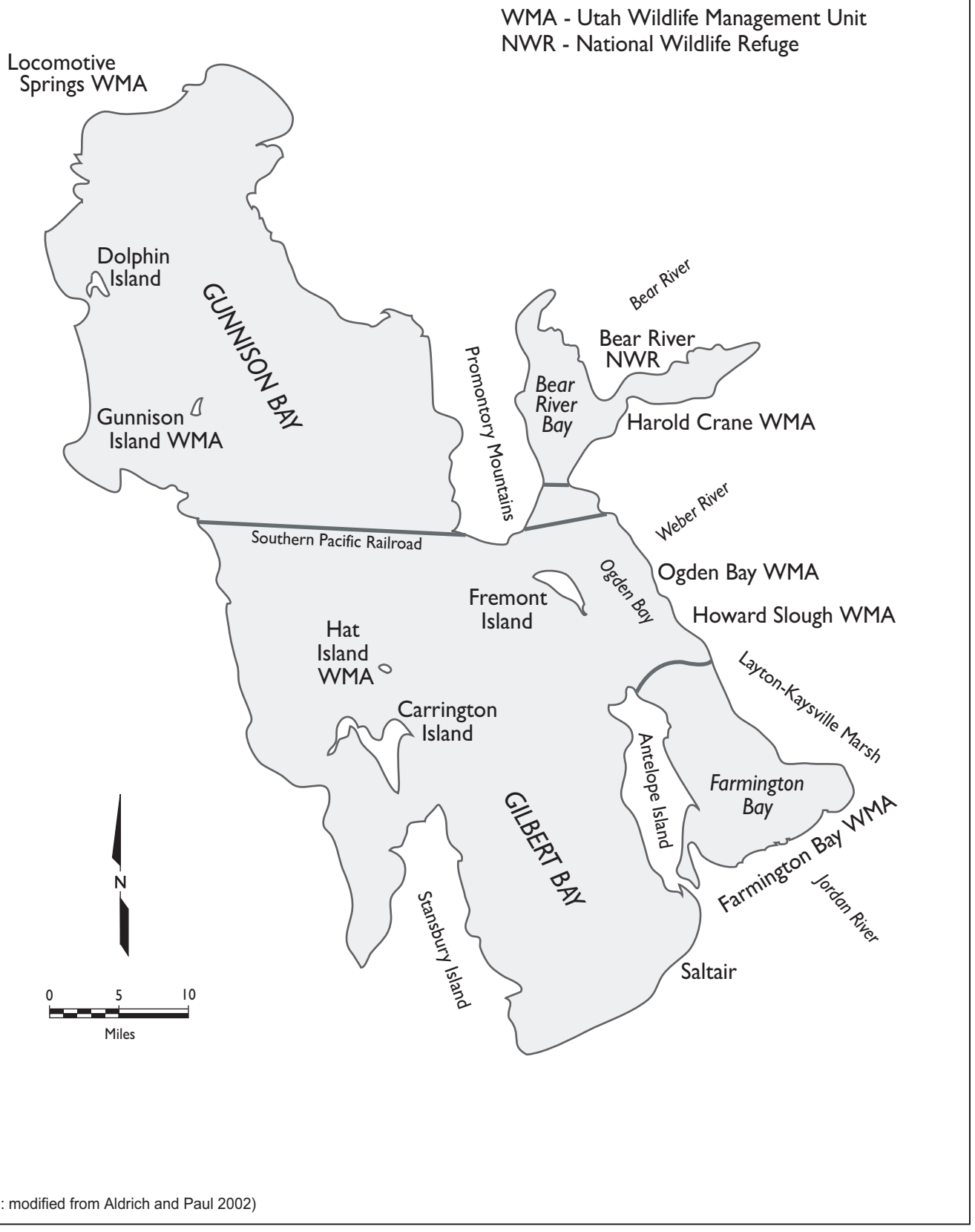
Figure 4.13-2
Project Study Area



03076.03 (11/04)

Figure 4.13-2
Project Study Area



(Source: modified from Aldrich and Paul 2002)

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Figure 4.13-4
Great Salt Lake Ecosystem (GSLE) Area

- **Literature Review**. Scientific literature on the potential impacts of highway noise, artificial light, highway mortality, habitat modification, and human disturbance on wildlife was reviewed.

4.13.1.5 Methods Used in the Analysis

Information collected from the above data sources and data-collecting methods was used to evaluate the potential impacts of the proposed action on wildlife resources within the project study area, regional study area, and GSLE. On the basis of this information, a list of species that occur or that could potentially occur in the project study area was prepared. Because of the importance of the project and regional study areas and the GSLE to migratory birds, these taxa were the focus of the evaluation of impacts on wildlife. The wildlife impact analysis emphasized habitat types; most wildlife species utilize multiple habitat types, and such habitat-based analysis is a widely accepted basis for assessing potential impacts.

Several analyses were conducted to complete this evaluation; these analyses are briefly summarized below to provide context for the impact assessment presented in Section 4.13.3. A complete discussion of the methods used to complete these analyses is presented in the wildlife technical memorandum.

GIS Analysis of Habitat Change

A GIS analysis was conducted to determine how wildlife habitat would change within the project study area with implementation of the Legacy Parkway project, and how these changes could potentially affect species that use the habitats locally and regionally around Great Salt Lake. Measures of habitat change included habitat loss, habitat fragmentation (see Section 4.13.2.3 for a definition of this term), and habitat degradation. The following text describes the methods used to assess these parameters.

Habitat Loss

Direct habitat loss that would occur as a result of highway construction was determined by overlaying the footprint boundary for each build alternative onto the wildlife habitat map and using GIS software to measure the total area of each habitat within those boundaries.

Habitat Fragmentation

Several different habitat fragmentation metrics, including mean patch size, mean perimeter-to-area ratio, and mean nearest neighbor distance, were used to evaluate the fragmentation effects of changes in size and distribution of suitable habitats resulting from the build alternatives. FRAGSTATS, a fragmentation analysis software, and Patch Analyst, an ArcView3.2 extension, in combination with GIS analysis, were used to determine the existing number of habitat patches in the project study area, the number of habitat patches (by patch size) that would be fragmented by a build alternative, and the number of habitat patches (by patch size) that would result after fragmentation associated with a build alternative. The habitat fragmentation analysis also considered trends in fragmentation (i.e., trends in the number of patches in each size group and of the total extent of each habitat type by patch size) and mean and median patch size.

Habitat Degradation

A qualitative assessment of potential changes in air quality and water quality resulting from construction and operation of the proposed build alternatives was completed to determine potential habitat degradation effects on wildlife species in the project study area. This assessment included a qualitative evaluation of potential wildlife mortality resulting from exposure to a new roadway system, as well as how changes to

the wetland hydrology and addition of artificial lighting and landscaping could further affect existing wildlife habitat. These assessments were supported through review of recent and relevant literature and imput from the wildlife technical team, as described in the wildlife technical memorandum.

GIS Analysis of Changes in Lake Level and Dynamics of Habitat Availability and Distribution

A GIS analysis was conducted to evaluate the interaction of changes in the level of Great Salt Lake with the direct habitat availability and losses that would result from each build alternative. The wildlife habitat maps were combined with an inundation zone dataset for Great Salt Lake (U.S. Geologic Survey 2003) to illustrate the combined habitat loss from natural lake level fluctuation and the proposed alternatives. Details of these calculations are provided in Appendix B of the wildlife technical memorandum.

Highway Noise Disturbance

To assess the potential impacts of highway noise on wildlife in the project vicinity, two approaches were used. First, to estimate the distance at which project highway noise could potentially affect wildlife communication, an analysis was conducted of the bioacoustics requirements of representative birds and the masking potential of highway noise on those species' communications. Species analyzed were selected to represent the range of sound frequencies present in the bird songs and calls.

Second, to assess the area of each habitat type within and adjacent to the project study area that could potentially be affected by highway noise, noise contours were modeled for each project alternative and delineated on a map of the habitats in the project study area. From this map, the approximate area of effect for each build alternative could be calculated.

A detailed description of the methods used to complete the bioacoustics analysis and the highway noise model analysis are presented in Appendix F of the wildlife technical memorandum.

4.13.2 Affected Environment

This section presents a summary of updated information on the affected environment relative to wildlife and the occurrence of special-status species in the GSLE and in the project study area. The description of existing conditions accounts for recent land development since publication of the Final EIS, including initial construction activities associated with Alternative D (Final EIS Preferred Alternative; see Section 4.20, *Construction Impacts*) and unrelated development in the study area, and the revision in the width of the right-of-way and typical cross section associated with all the proposed build alternatives (see Chapter 3, *Alternatives*). A description of historic conditions is included to provide context for the discussion of cumulative impacts in the environmental consequences section.

4.13.2.1 Changes in Habitat since Final EIS

Project activities that have resulted in changes in habitat in the project study area since the Final EIS was published are described in detail in Section 4.20, *Construction Impacts*. In summary, UDOT began construction on Legacy Parkway in summer 2001. The project under construction was Alternative D (Final EIS Preferred Alternative). UDOT implemented a design-build delivery system to construct the project until construction was halted in November 2001 because of an injunction from the U.S. Court of Appeals for the Tenth Circuit.

The following habitat modifications have occurred to date.

- Approximately 4.9 ha (12 ac) of vegetation (wet meadow, emergent marsh, and mudflat/pickleweed habitat patches scattered in upland pasture) at the I-215 interchange location at the southern terminus of the proposed action were cleared and grubbed (all vegetation removed). Fill of varying heights (up to 6 m [20 ft]) was also placed in this area. These areas now have essentially no wildlife habitat value.

- Vegetation (largely cropland and pasture with intermittent patches of wet meadow, emergent marsh, and mudflat/pickleweed) was cleared from a segment about 6 km (3.7 mi) long by 98 m (320 ft) wide at the southern terminus of the project near I-215. This area was graded and fill (about 0.6 m to 0.9 m [2 ft to 3 ft] in height) was added. A segment about 1 km (0.7 mi) long by 98 m (320 ft) wide just north of 500 South was also cleared of pasture/cropland vegetation. At present, these areas have essentially no wildlife habitat value.

- The entire interchange at I-15 at the northern terminus of the project has been cleared of all vegetation (wet meadow and pasture habitat with a mixture of emergent marsh, open water, and cropland habitat patches). These areas now have essentially no wildlife habitat value. Construction activities, with associated habitat disturbance and modification, continue on the extension of Park Lane (formerly Burke Lane) and all ramps from Park Lane to I-15 and US-89 and the Shepard Lane project. Construction of drainage facilities also continues in this area. The Park (formerly Burke) Lane and drainage facility construction is planned for completion in spring 2005. Some bridge construction (piers and abutments) was initiated for the Legacy Parkway mainline over I-15, but it was not completed before the court injunction halted construction.

4.13.2.2 Historic Habitat Conditions

There has been a 58 percent reduction in wetland/wildlife habitats[1] from estimated historic conditions (pre-settlement; before 1847) to current conditions in the regional study area. The amount of loss varies by hydrologic unit. The Ogden hydrologic unit, which has the second highest historic wetland/wildlife extent in the regional study area and where the majority of the proposed action would be located, has already lost nearly 70 percent of its estimated historic wetland/wildlife habitats. The comparison of estimated historic conditions to current conditions illustrates the downward trend in the extent of wetland/wildlife habitats in the regional study area. The extent of remaining estimated historic wetland/wildlife habitats is provided below and detailed in the wildlife technical memorandum.

- **Regional study area**. Forty-two percent of the estimated historic wetland/wildlife habitats is still available in the regional study area.

- **Hydrologic unit**. The extent of remaining habitat varies by hydrologic unit. Some examples are listed below.

  - Tooele Valley hydrologic unit: 80 percent (22,652.7 ha [56,370 ac]) of historic habitat remains.

[1] The term *wetland/wildlife habitat* refers to a mapping category comprising polygons that include soils suitable for wetland vegetation, as well as associated upland areas, as defined by the Natural Resource Conservation Service Soil Survey Geographic (SSURGO) database and the USFWS National Wetlands Inventory (NWI) dataset. These datasets were used to establish a baseline of historic wetland and associated upland habitat distribution for use in evaluating temporal changes in habitat distribution and availability. Accordingly, this term pertains only to quantitative analysis involving historic conditions. These datasets are explained in greater detail in Section 3.11.1 of the wildlife technical memorandum.

- Utah Lake hydrologic unit: 17 percent (3,870 ha [11,018 ac]) of historic habitat remains.
- Ogden hydrologic unit: 30 percent (14,898 ha [35,043 ac]) of historic habitat remains.
- Jordan River hydrologic unit: 38 percent (12,477 ha [37,333 ac]) of historic habitat remains.

4.13.2.3 Existing Wildlife in Project Study Area

Great Salt Lake and the wetlands surrounding its shoreline provide important habitat for a great variety of amphibians, reptiles, birds, and mammals, some of which are rare and have small geographical distributions. In total, 12 fish species, 8 amphibians, 10 reptiles, 219 birds, and 50 mammals have been documented as occurring within the project study area or are believed to have the potential to occur there based on the presence of suitable habitat and the general abundance of the species in the GSLE. Of these species, 223 (215 birds, 8 bats) are migratory. A total of 136 species are known to occur in the project right-of-way areas, and an additional 139 species could potentially occur there. Up to 120 of these species could potentially breed within the project study area. Table 4.13-1 describes the abundance of these species in the GSLE and the project study area, as well as the migratory, breeding, and habitat use patterns of these species in these areas.

Twenty-eight species, including 24 migratory birds, two bats, one shrew, and one fox are classified as special-status species, or species that are protected by one or more state or federal environmental laws (Table 4.13-2). For the purposes of this section, *special-status species* include species identified on the following lists and/or covered by the following regulations.[2]

- Federal.
  - Federally listed endangered and threatened species.
  - Federal candidate species.
  - Migratory Bird Treaty Act species (16 USC 703–711).
  - Fish and Wildlife Conservation Act species (16 USC 2901–2911).
- State of Utah.
  - Utah State Species of Concern (Utah Administration Rule R657-48).
  - State of Utah Conservation Agreement Species.

Table 4.13-2 summarizes the legal and protected status, habitat use, and seasonal occurrence of each special-status species. The table also describes the abundance of each species within the GSLE and the project study area, as well as their migratory, breeding, and habitat use patterns in these areas.

As discussed in the Final EIS, the predominance of migratory birds that use the project study area highlights the ecological importance of this area to these species (Jones & Stokes 2004). Great Salt Lake,

[2] Of note, Section 4.15, *Threatened and Endangered Species*, provides a specific discussion of impacts on species protected under the federal Endangered Species Act and as species of special concern by the Utah Division of Wildlife Resources that could occur in the study area, defined in Section 4.0.1, *Study Area*.

Table 4.13-1a Legacy Parkway/GSLE Bird Species Habitat Matrix

	Migratory Species	GSL Ecosystem					Legacy Parkway Project Study Area							Farmington Bay WMA					Bear River NWR					Habitat Use									
		Seasonal Abundance				Breeds in GSLE	Seasonal Abundance				Breeds in Project Study Area	Documented Occurrence within Project Study Area	Could Potentially Occur within Project Study Area	Seasonal Abundance				Breeds in FBWMA	Seasonal Abundance				Breeds in BRNWR	Open Water	Riparian	Emergent Marsh	Wet Meadow	Mudflat/Pickleweed	Pasture	Cropland	Salt Desert Scrub	Developed
		P	S	W	T		P	S	W	T				P	S	W	T		P	S	W	T										
Loons																																
Pacific Loon	X				RT								X									RT		F								
Common Loon	X				RT								X									UT		F								
Grebes																																
Pied-billed Grebe	X		CS	UW		X		US	RW		X	X			CS	UW		X		CS	UW		X	F		FB	F					
Horned Grebe	X			RW	RT								X			RW	RT				RW	RT		F		F						
Eared Grebe	X		CS	RW		X		RS		CT		X			CS	RW		X		US		CT	X	FB		B						
Western Grebe	X		CS	RW		X				RT		X			CS			X		CS	RW		X	FB		B						
Clark's Grebe	X		CS			X							X		CS			X		CS	RW		X	FB		B						
Pelicans and Cormorants																																
American White Pelican (WSC)	X		CS			X		RS				X			CS					CS				F		F						
Double-crested Cormorant	X		CS			X		RS			X	X			CS			X		CS				F	B	F						
Wading Birds																																
American Bittern	X		RS			X							X		RS			X		RS						FB						
Great Blue Heron	X	CP				X	CP				X	X		CP				X	CP					F	FB	FB	F					
Great Egret	X		RS		RT								X				RT			RS				F		F						
Snowy Egret	X		CS			X		US				X			CS			X		CS			X	F	B	FB	F	F	F				
Cattle Egret	X		CS			X				RT		X			US					CS						B	F		F	F			
Black-crowned Night-heron	X		CS	RW		X		CS			X	X			CS	UW		X		CS			X	F	B	FB	F	F	F				
White-faced Ibis	X		CS			X		CS				X			CS			X		CS			X	F		FB	F	F	F	F			
Swans, Geese, Ducks																																
Tundra Swan	X			RW	CT`								X			RW	CT				RW	CT		F								
Trumpeter Swan	X			RW									X				O				RW			F								
Greater White-fronted Goose	X				RT								X				RT					A		F					F			
Snow Goose	X				UT								X				UT					UT				F			F			
Ross' Goose	X				RT								X				RT					RT				F			F			
Canada Goose	X	CP				X	CP				X	X		CP				X	CP				X	F		F	F	F	FB	F	F	F
Wood Duck	X	RP											X	RP							RW			F								F
Green-winged Teal	X		US	CW	CT	X				UT		X			US	CW	CT			US	CW	CT	X	F		FB	FB	F	F	F			
Mallard	X	CP				X	UP				X	X		CP				X	CP				X	F	F	FB	FB	F	FB	FB		F
Northern Pintail	X		RS	RW	CT	X				UT		X			RS	UW	CT	X		RS	UW	CT	X	F		FB	FB	F	F	F	B	
Blue-winged Teal	X		US			X		RS				X			US		UT	X		US			X	F		FB	FB	F	F			
Cinnamon Teal	X		CS	RW		X		RS				X			CS	RW		X		CS	RW		X	F		FB	FB	F	F	F		
Northern Shoveler	X		RS	UW	CT	X				UT		X			RS	UW	CT	X		RS	UW	CT	X	F		FB	FB	F	F		B	
Gadwall	X		CS	UW		X		US	UT		X	X			CS	UW		X		CS	UW		X	F		FB	FB	FB	FB	FB	B	
Eurasian Wigeon	X				RT					RT		X										RT		F		F	F	F	F	F		
American Wigeon	X			UW	CT					RT		X				UW	CT				UW	CT		F		F	F	F	F	F		
Canvasback	X		RS	RW	CT	X							X		RS	RW	CT	X		RS	RW	UT	X	F		FB						
Redhead	X		CS	RW		X							X		CS	UW		X		CS	RW		X	F		FB						
Ring-necked Duck	X			RW	RT								X			RW					RW	RT		F								
Greater Scaup	X				UT								X				RT					RT		F								
Lesser Scaup	X			CW									X			UW	CT				UW	CT		F								
Long-tailed Duck	X			RW									X				O				RW			F								
White-winged Scoter	X			RW									X				O				RW			F								
Surf Scoter	X			RW									X				O				RW			F								
Common Goldeneye	X			CW					RW			X				UW	CT				UW	CT		F								
Barrow's Goldeneye	X			RW									X			RW					RW			F								
Bufflehead	X			CW									X			UW	CT				UW	CT		F								
Hooded Merganser	X			RW	RT								X			RW	RT				RW	RT		F								
Common Merganser	X			UW	CT								X			UW	CT				RW	CT		F								
Red-breasted Merganser	X			UW	CT								X			RW	CT				RW	CT		F								
Ruddy Duck	X		CS	UW		X				RT		X			CS	UW		X		CS	UW		X	F		FB						
Diurnal Raptors																																
Turkey Vulture	X		CS					US				X			US					CS								F	F	F	F	F
Osprey	X				RT					RT		X					RT					RT		F								
Bald Eagle (FT)	X		RS	CW		X		RS	CW		X	X				CW				CW					FB	F	F	F	F		F	
Northern Harrier	X	CP				X	CP				X	X		CP				X	CP				X		F	FB	F	F	FB	F	FB	F
Sharp-shinned Hawk	X			UW	UT					RT		X					RT				UW	UT			F			F	F	F	F	F
Cooper's Hawk	X			UW	UT					RT		X					RT				UW	UT			F			F	F	F	F	F
Northern Goshawk (CAS)	X				RT							(X)									RW	RT			F						F	
Swainson's Hawk (BCC)	X		RS		UT	X		RS			X	X					UT			CS					B		F	F	F	F	F	
Red-tailed Hawk	X	CP				X	UP				X	X		CP				X	CP				X		B		F	F	F	F	F	F
Ferruginous Hawk (BCC; WSC)	X		RS										X				RT			US							F	F	F	F	F	
Rough-legged Hawk	X			CW					CW			X				CW					CW						F	F	F	F	F	F
Golden Eagle (BCC)	X	RP								RT		X		RP					UP								F	F	F	F	F	

	Migratory Species	GSL Ecosystem					Legacy Parkway Project Study Area							Farmington Bay WMA					Bear River NWR					Habitat Use								
		Seasonal Abundance				Breeds in GSLE	Seasonal Abundance				Breeds in Project Study Area	Documented Occurrence within Project Study Area	Could Potentially Occur within Project Study Area	Seasonal Abundance				Breeds in FBWMA	Seasonal Abundance				Breeds in BRNWR	Open Water	Riparian	Emergent Marsh	Wet Meadow	Mudflat/Pickleweed	Pasture	Cropland	Salt Desert Scrub	Developed
		P	S	W	T		P	S	W	T				P	S	W	T		P	S	W	T									
American Kestrel	X	CP				X	CP				X	X		CP				X	CP						B		F	F	F	F	F	F
Merlin	X			RW					RW			X				RW					UW							F	F	F	F	F
Peregrine Falcon (BCC)	X	RP				X	RP				X	X		UP				X	UP					F		F	F	F	F	F	F	F
Prairie Falcon (BCC)	X	RP				X	RP					X		UP					UP								F	F	F	F	F	
Pheasant and Quail																																
Ring-necked Pheasant		UP				X	RP				X	X		CP				X	UP						F		F	F	FB	FB	FB	FB
California Quail		RP											X	UP											FB				F		FB
Gruiformes																																
Virginia Rail	X		CS	RW		X		RS			X	X			CS	UW		X		CS			X			FB	F	F	F			
Sora	X		CS			X		RS			X	X			CS			X		CS			X			FB	F	F	F			
Common Moorhen	X	RP				X							X		RS			X	RP				X	F		FB						
American Coot	X	CP				X	UP				X	X		CP				X	CP				X	F		FB	FB	F	F	F		
Sandhill Crane	X		RS		UT	X				RT		X			RS			X		US		CT		F		FB	F	F	F	F		
Shorebirds																																
Black-bellied Plover	X				CT					RT		X					UT					UT					F	F	F			
American Golden-plover (BCC)	X				RT								X				RT					RT					F	F	F			
Snowy Plover (BCC)	X		CS			X							X		US			X		CS			X					FB				
Semipalmated Plover	X				UT								X				UT					RT						F				
Killdeer	X	CP				X	CP				X	X		CP				X		CS	RW		X				FB	FB	FB	FB	FB	FB
Black-necked Stilt	X		CS			X		CS			X	X			CS			X		CS			X	F		FB	FB	FB	FB			
American Avocet (BCC)	X		CS			X		CS			X	X			CS			X		CS			X	F		FB	FB	FB	FB			
Greater Yellowlegs	X				CT					UT		X					CT					CT		F			F	F	F			
Lesser Yellowlegs	X				CT					UT		X					CT					CT		F			F	F	F			
Solitary Sandpiper (BCC)	X				RT					RT		X					RT					UT			F		F	F	F			
Willet	X		CS			X		RS			X	X			CS			X		CS			X				FB	FB	FB	FB	FB	
Spotted Sandpiper	X		US			X				RT		X			CS			X				UT			FB			F				
Whimbrel (BCC)	X				RT								X				RT					RT						F	F			
Long-billed Curlew (BCC)	X		US		CT	X				RT		X			US			X		CS			X				F	FB			FB	
Marbled Godwit (BCC)	X				CT					RT		X					CT					CT		F			F	F	F			
Ruddy Turnstone	X				RT								X				RT					RT						F				
Red Knot	X				UT								X				RT					RT						F	F			
Sanderling (BCC)	X			RW	UT								X				UT				UW	RT						F				
Semipalmated Sandpiper	X				RT								X				UT					RT						F				
Western Sandpiper	X				CT					RT		X					CT					CT						F				
Least Sandpiper	X			RW	CT					RT		X				RW	CT				RW	CT						F				
Baird's Sandpiper	X				CT					RT		X					UT					UT						F				
Pectoral Sandpiper	X				UT					RT		X					UT					RT					F	F	F			
Dunlin	X				RT								X				RT					RT						F				
Stilt Sandpiper	X				RT								X				RT					RT						F				
Short-billed Dowitcher	X				RT								X				RT					RT		F		F	F	F				
Long-billed Dowitcher	X				CT					RT		X					CT					CT		F		F	F	F				
Wilson's Snipe	X	CP				X	CP				X	X			CS	UW		X		CS	UW		X			F	FB	F	FB			
Wilson's Phalarope (BCC)	X		US		CT	X		RS		UT	X	X			CS			X		US		CT		F		F	FB	F	F			
Red-necked Phalarope	X				CT					RT		X					CT					CT		F								
Gulls and Terns																																
Franklin's Gull	X		CS			X				CT		X			CS			X		CS				F		FB	F	F	F	F		
Bonaparte's Gull	X				UT					RT		X					UT					UT		F		F						
Ring-billed Gull	X		RS	CW		X			UW			X				CW				US	CW		X	F		F	F	F	F	F		F
California Gull	X	CP				X	UP					X		CP				X	CP				X	F		F	F	F	F	F	F	F
Herring Gull	X			UW									X			UW					UW			F								F
Thayer's Gull	X			RW									X			RW					RW			F								F
Glaucous Gull	X			RW									X			RW					RW			F								F
Caspian Tern	X		US			X		RS					X		US									F								
Common Tern	X				RT								X				RT					RT		F								
Forster's Tern	X		CS			X		CS			X	X			CS			X		CS			X	F		FB						
Black Tern	X		US			X		RS				X			US					US		CT		F								
Pigeons and Doves																																
Rock Pigeon	X	CP				X	UP				X	X							CP				X									FB
Mourning Dove	X		US	RW		X		US	RW		X	X			CS			X		CS			X		FB			F	F	F	F	FB
Cuckoos																																
Yellow-billed Cuckoo (FC)	X				RT								X												FB							FB
Owls																																
Barn Owl	X	UP				X	RP				X	X		RP					UP								F	F	F	F	F	FB
Great Horned Owl	X	UP				X	UP				X	X		CP					UP						FB	F	F	F	F	F	F	FB
Burrowing Owl (BCC; WSC)	X		RS			X		RS			X	X								US			X					F	F		FB	
Long-eared Owl	X				RW								X												F		F	F	F		F	
Short-eared Owl (WSC)	X	CP				X	UP				X	X		UP				X	UP				X			F	F	F	F	F	FB	

	Migratory Species	GSL Ecosystem					Legacy Parkway Project Study Area							Farmington Bay WMA					Bear River NWR					Habitat Use								
		Seasonal Abundance				Breeds in GSLE	Seasonal Abundance				Breeds in Project Study Area	Documented Occurrence within Project Study Area	Could Potentially Occur within Project Study Area	Seasonal Abundance				Breeds in FBWMA	Seasonal Abundance				Breeds in BRNWR	Open Water	Riparian	Emergent Marsh	Wet Meadow	Mudflat/Pickleweed	Pasture	Cropland	Salt Desert Scrub	Developed
		P	S	W	T		P	S	W	T				P	S	W	T		P	S	W	T									
Goatsuckers and Swifts																															
Common Nighthawk	X				UT					UT		X					CT			CS				F	F	F	F	F	F	F	F	F
Common Poorwill	X			US						RT			X							US				F	F	F	F		F	F	F	F
White-throated Swift	X			US						RT			X				RT			US					F	F	F		F	F	F	F
Hummingbirds																																
Black-chinned Hummingbird	X		RS		RT					RT		X					UT			US					F		F	F	F	F	F	F
Calliope Hummingbird	X				RT								X				RT								F		F	F	F	F	F	F
Broad-tailed Hummingbird	X		RS		RT					RT		X					RT			US					F		F	F	F	F	F	F
Rufous Hummingbird	X				RT					RT		X					RT					UT			F		F	F	F	F	F	F
Kingfishers																																
Belted Kingfisher	X	UP				X	UP				X	X		UP					UP					F	FB							
Woodpeckers																																
Red-naped Sapsucker	X				RT								X				RT								F							F
Downy Woodpecker	X	RP				X							X	RP					UP						F							F
Northern Flicker	X	RP				X				RT		X		UP				X	UP						FB						F	FB
Flycatchers																																
Olive-sided Flycatcher	X				RT					RT		X													F						F	F
Western Wood-peewee	X				RT					RT		X										RT			F						F	F
Cordilleran Flycatcher	X				RT					RT		(X)										RT			F						F	F
Willow Flycatcher	X				RT					RT		(X)										RT			F						F	F
Hammond’s Flycatcher	X				RT					RT		(X)										RT			F						F	F
Dusky Flycatcher	X				RT					RT		(X)										RT			F						F	F
Gray Flycatcher	X				RT					RT		(X)										RT			F						F	F
Say’s Phoebe	X	RP				X							X				O		UP												FB	
Ash-throated Flycatcher	X				RT					RT		(X)										RT			F						F	F
Western Kingbird	X		CS			X		US			X	X			RS			X		US			X		FB		F	F	F	F	F	FB
Eastern Kingbird	X				RT								X				O								F							F
Shrikes																																
Northern Shrike	X			UW					UW			X				RW					UW				F	F	F	F	F	F	F	F
Loggerhead Shrike (BCC)	X	UP				X	UP					X		RP					RP						F	F	F	F	F	F	FB	F
Vireos																																
Plumbeous Vireo	X				RT								X				RT					RT			F							F
Warbling Vireo	X				RT					RT		X					RT					RT			F						F	F
Jays, Crows, and Allies																																
Black-billed Magpie	X	UP				X	UP				X	X		UP				X	CP				X		FB		F	F	F	F	F	FB
American Crow	X			RW									X								RW						F		F	F	F	F
Common Raven	X	CP				X	CP				X	X		CP				X	CP				X		B	F	F	F	F	F	F	FB
Larks																																
Horned Lark	X	CP				X	CP				X	X		CP				X	CP				X				F	FB	F		FB	
Swallows																																
Purple Martin	X				RT								X				O								F	F	F	F	F	F	F	F	F
Tree Swallow	X				CT					CT		X					CT			US		CT			F	F	F	F	F	F	F	F	F
Violet-green Swallow	X				UT					UT		X					CT			US		CT			F	F	F	F	F	F	F	F	F
Northern Rough-winged Swallow	X				UT					UT		X					CT			US		CT			F	F	F	F	F	F	F	F	F
Bank Swallow	X				CT					CT		X					CT			US		CT			F	F	F	F	F	F	F	F	F
Cliff Swallow	X		CS			X		CS			X	X					CT	X		CS			X		F	F	F	F	F	F	F	F	B
Barn Swallow	X		CS			X		CS			X	X					CT	X		CS			X		F	F	F	F	F	F	F	F	B
Chickadees																																
Black-capped Chickadee	X			RW	UT				RW	RT		X				RW						UT				F						F	F
Mountain Chickadee	X			RW									X			RW						RT				F							F
Wrens																																
Rock Wren	X				RT								X									UT										F	
House Wren	X				UT								X				UT					UT				F						F	F
Marsh Wren	X		CS	RW		X		US			X	X			CS			X		CS	UW		X				FB						
Kinglets and Thrushes																																
Ruby-crowned Kinglet	X			UW						RT		X				RW						UT				F						F	F
Blue-gray Gnatcatcher	X				RT								X									RT				F						F	F
Mountain Bluebird	X				RT					RT		X					UT					UT						F	F	F	F	F	
Townsend’s Solitaire	X				RT					RT			X									RT						F		F	F	F	
Hermit Thrush	X				RT								X				RT					UT				F							F
Swainson’s Thrush	X				RT								X				RT									F							F
American Robin	X	UP				X	UP				X	X		UP				X	UP						FB		F	F	F	F		FB
Mimids																																
Gray Catbird	X		RS			X							X												FB							
Northern Mockingbird	X				RT								X							US		RT			F						F	F
Sage Thrasher	X		US			X		RS				X					RT			US		CT	X								FB	

	Migratory Species	GSL Ecosystem					Legacy Parkway Project Study Area							Farmington Bay WMA					Bear River NWR					Habitat Use								
		Seasonal Abundance				Breeds in GSLE	Seasonal Abundance				Breeds in Project Study Area	Documented Occurrence within Project Study Area	Could Potentially Occur within Project Study Area	Seasonal Abundance				Breeds in FBWMA	Seasonal Abundance				Breeds in BRNWR	Open Water	Riparian	Emergent Marsh	Wet Meadow	Mudflat/Pickleweed	Pasture	Cropland	Salt Desert Scrub	Developed
		P	S	W	T		P	S	W	T				P	S	W	T		P	S	W	T									
Starlings																															
European Starling		CP				X		US	CW		X	X		CP				X	CP				X		FB		F	F	F	F	F	FB
Pipits																															
American Pipit	X			UW	CT					CT		X				UW	CT				UW	CT			F		F	F	F	F		
Waxwings																															
Bohemian Waxwing	X			UW					RW			X				RW					RW				F						F
Cedar Waxwing	X			UW					RW			X				RW					RW				F						F
Wood-Warblers																															
Orange-crowned Warbler	X				RT					RT		X					RT					UT			F					F	F
Nashville Warbler	X				RT					RT		X					RT					RT			F						F
Virginia's Warbler (BCC)	X				RT								X				RT					RT			F					F	F
Yellow Warbler	X				UT					UT		X					UT					UT			F	F				F	F
Yellow-rumped Warbler	X				CT					CT		X					CT					UT			F	F				F	F
Townsend's Warbler	X				RT					RT		X					RT								F						F
American Redstart	X												X												F						F
Northern Waterthrush	X				RT								X				RT								F						
MacGillvray's Warbler	X				UT					RT		X										RT			F	F				F	F
Common Yellowthroat	X		CS		CT	X		US			X	X			CS			X		CS		CT	X		F	FB					
Wilson's Warbler	X				UT					RT		X					RT					UT			F	F				F	F
Tanagers, Grosbeaks and Cardinaline, Buntings																															
Western Tanager	X				RT								X				UT					UT			F						F
Black-headed Grosbeak	X				RT								X				RT					UT			F						F
Lazuli Bunting	X				UT					UT		X					RT					UT			F					F	F
Emberizine Sparrows and Allies																															
Green-tailed Towhee	X				RT								X				RT					UT			F						F
Spotted Towhee	X				UT					RT		X					RT					UT			F					F	F
American Tree Sparrow	X			UW					UW			X				UW					UW				F	F	F	F	F	F	F	F
Chipping Sparrow	X				CT					CT		X					RT					UT			F		F	F	F	F	F	F
Brewer's Sparrow (BCC)	X		CS		CT	X		RS				X					RT			CS		CT	X		F		F	F	F	F	FB	F
Vesper Sparrow	X		US		UT	X				RT		X					RT			CS		CT	X		F		F	F	F	F	F	F
Lark Sparrow	X		US		UT	X				RT		X					RT			US		UT			F		F	F	F	F	F	F
Lark Bunting	X				RT								X									RT									F	
Savannah Sparrow	X		CS		CT	X		US			X	X			CS			X		CS		CT	X				FB		F			
Song Sparrow	X	CP				X	UP				X	X		CP				X	CP				X		FB	F	F		F			F
Lincoln's Sparrow	X				RT					RT		X					RT					UT			F		F		F	F	F	F
Harris' Sparrow	X			RW									X				O				RW				F		F	F	F	F	F	F
White-throated Sparrow	X			RW									X								RW				F		F	F	F	F	F	F
White-crowned Sparrow	X			CW	CT				CW			X				UW					CW	CT			F	F	F	F	F	F	F	F
Dark-eyed Junco	X			CW	CT				CW			X				UW					CW	CT			F	F	F	F	F	F	F	F
Lapland Longspur	X			RW									X								UW						F	F			F	
Snow Bunting	X			RW									X								UW						F	F			F	
Icterids																															
Red-winged Blackbird	X	CP				X	CP				X	X		CP				X	CP				X		F	FB	F	F	F	F		F
Western Meadowlark	X	CP				X	CP				X	X		CP				X	CP				X				F	F	FB	F	FB	F
Bobolink (WSC)	X		RS			X							X									RT					FB		F	F	F	
Yellow-headed Blackbird	X		CS			X		CS			X	X			CS			X		CS			X		F	FB	F	F	F	F	F	F
Brewer's Blackbird	X	UP				X	UP				X	X		CP				X	CP				X		F	F	F	F	FB	FB	F	F
Brown-headed Cowbird	X	CP				X	UP				X	X			RS					CS			X		FB	FB	FB	FB	FB	FB	FB	FB
Northern Oriole	X		US			X		US			X	X			RS							UT			FB							FB
Finches and Old World Sparrows																															
Cassin's Finch	X			RW									X				O								F							F
House Finch	X	CP				X	CP				X	X		CP					CP				X		FB	F	F	F	F	F	FB	FB
Pine Siskin	X			CW					CW			X				UW						UT			F					F	F	F
American Goldfinch	X		RS	CW					UW			X				UW			CP						F	F	F			F	F	F
Evening Grosbeak	X			RW					RW				X				O					RT			F							F
House Sparrow		UP				X			UP		X	X							CP				X		F				F	F		FB
Summary																																
Total number of cells with values	215	38	60	62	108	88	29	34	20	67	51	140	79	32	44	44	96	61	34	62	54	105	59	78	107	79	100	109	103	85	99	107

Table 4.13-1b Non-Bird Species Habitat Matrix

	Species Status						Habitat Use									
	GSLE		LP Project Study Area													
	Occurrence Status	Potential Occurrence	Project Study Area	Breeds in Project Study Area	Documented Occurrence within Project Study Area	Could Potentially Occur within Project Study Area	Open Water	Riparian	Stream/River	Emergent Marsh	Wet Meadow	Mudflat/Pickleweed	Pasture	Cropland	Salt Desert Scrub	Developed
Fish																
Brown trout	A			P		X			X							
Rainbow trout	A			P		X			X							
Carp	C		C	X	X		X		X	X						
Speckled dace	D			P		X			X							
Long-nose dace	D			P		X			X							
Utah sucker	D			P		X	X		X	X						
Channel catfish	D			P		X	X		X	X						
Bullhead	D			P		X	X		X	X						
White bass	D		C	P		X			X							
Green sunfish	D		C	X		X	X		X	X						
Bluegill	D		C	P		X			X							
Walleye	D		C	P		X			X							
Amphibians																
Tiger salamander	R			P		X				X	X					
Great Basin spadefoot	U			P		X				X	X	X			X	
Woodhouse’s toad	R			P		X		X		X	X		X			
Western chorus frog	C		C	P	X					X	X					
Northern leopard frog	U			P		X			X	X	X					
American bullfrog	U		R	P		X				X	X					
Reptiles																
Common sagebrush lizard	D			P		X									X	
Side-blotched lizard	D			P		X									X	
Desert horned lizard	D		P	P	X										X	
Tiger whiptail	D		P	P	X										X	
Eastern racer	C		C	P	X						X		X		X	
Gopher snake	C		C	P	X			X					X	X	X	
Common garter snake	C		C	P	X			X		X	X		X			
Terrestrial garter snake	D			P	X			X		X	X		X			
Night snake	D		P	P		X									X	
Western rattlesnake	D		P	P		X									X	
Mammals																
Vagrant shrew	D		P	P		X				X						
Masked shrew	D		P	P		X				X						
Preble’s shrew (WSC)	D		P	P		X				X						
Western small-footed myotis		X				X		X		X	X		X		X	
Little brown bat		X				X		X		X	X		X		X	
Long-legged myotis	C					X		X		X	X		X		X	
Western pipistrelle	C					X		X		X	X		X		X	
Big brown bat	C					X		X		X	X		X		X	
Hoary bat		X		P		X		X								
Spotted bat (WSC)	R					X							X		X	
Townsend’s big-eared bat (WSC)	C					X		X		X	X		X		X	
Brazilian free-tailed bat	C			P		X		X		X	X		X		X	
Nuttall’s cottontail		X		P		X							X	X	X	
White-tailed jackrabbit		X		P	X								X			
Black-tailed jackrabbit	C		C	X	X								X	X	X	
Least chipmunk	D		P	P		X		X							X	
Piute ground squirrel	D		P	P		X							X	X	X	
Rock squirrel	C		C	X	X								X	X	X	
Northern pocket gopher		X		P		X		X					X	X		
Botta’s pocket gopher		X		P		X		X					X	X	X	
Great Basin pocket mouse	D		P	P		X									X	
Ord’s kangaroo rat		X		P		X									X	
Beaver	R		R	P		X		X	X							
Western harvest mouse		X		X		X		X					X		X	
Deer mouse	C		C	X	X			X					X	X	X	X
Northern grasshopper mouse	U			P		X									X	
Desert woodrat		X	D	P		X							X		X	
Bushy-tailed woodrat		X	D	P		X							X		X	
Meadow vole	C		C	X	X			X			X		X		X	
Montane vole	D		P	P		X				X	X			X		
Long-tailed vole	D			P		X		X					X			

	Species Status						Habitat Use									
	GSLE		LP Project Study Area													
	Occurrence Status	Potential Occurrence	Project Study Area	Breeds in Project Study Area	Documented Occurrence within Project Study Area	Could Potentially Occur within Project Study Area	Open Water	Riparian	Stream/River	Emergent Marsh	Wet Meadow	Mudflat/Pickleweed	Pasture	Cropland	Salt Desert Scrub	Developed
Sagebrush vole	R		P	P		X									X	
Muskrat	C		C	X	X		X	X	X	X	X					X
House mouse	C		C	X	X			X					X	X	X	X
Black rat	U			X		X		X								X
Norway rat		X		P	X			X		X	X		X	X		X
Porcupine	R			P		X		X								
Coyote	C		R	X	X							X	X	X	X	X
Red fox	C		C	X	X			X				X	X	X	X	X
Kit fox (WSC)	A					X									X	
Raccoon	C		C	X	X			X		X	X	X	X	X	X	X
Long-tailed weasel	C		R	X	X			X					X		X	X
Mink	U			P		X		X	X	X	X					
Badger	U		D	P		X							X		X	
Spotted skunk	R		R	P	X			X					X			
Striped skunk	C		C	X	X			X				X	X	X	X	X
Mountain lion	R					X										
Bobcat	U			P		X									X	X
Mule deer	C		C	X	X			X		X			X	X	X	
Pronghorn	R			P		X							X		X	
Summary																
Fish (12 species)	12	0	5	12	1	11	5	0	12	5	0	0	0	0	0	0
Amphibians (6 species)	6	0	2	6	1	5	0	1	1	6	6	1	1	0	1	0
Reptiles (10 species)	10	0	7	10	4	6	0	3	0	2	3	0	4	1	8	0
Mammals (50 species)	38	12	25	41	15	35	1	28	3	16	13	4	32	15	34	11

Special-Status Species

FT	Federally Listed as Threatened
FC	Federal Candidate Species
BCC	Birds of Conservation Concern
CAS	Conservation Agreement Species
WSC	Wildlife Species of Concern
X	Breeds in Project Study Area

Abundance Status

C = Common: Found consistently in fair numbers in appropriate habitat and season
U = Uncommon: Found consistently in small numbers in appropriate habitat and season
R = Rare: Found infrequently bur regularly in very small numbers in appropriate habitat and season
D = Within species range but insufficient data to determine abundance
A = Accidental
X = Column heading status applies

Residence Status

P = Permanent Resident: Found year-round
S = Summer visitant: Present during the nesting season
W = Winter visitant: Present during January and February
T = Transient: Migrates through the area in the spring and/or fall
X = Column heading status applies
(X) = Very few GSLE records; low probability of occurrence at LP Site

Examples of Combined Codes

CP = Common Permanent Resident
RW = Rare Winter Visitant
UT = Uncommon Transient

Habitat Use Codes

F = Foraging Habitat
B = Breeding Habitat
FB = Foraging and Breeding Habitat

Table 4.13-2. Special-Status Wildlife Species of the Legacy Parkway Project Study Area/Great Salt Lake Ecosystem

Species	Migratory Species[1]	GSL Ecosystem: Seasonal Abundance				GSL Ecosystem: Breeds in GSLE	Legacy Parkway Project Study Area: Seasonal Abundance				Legacy Parkway Project Study Area: Breeds in Project Study Area	Legacy Parkway Project Study Area: Documented on Proposed Build Alternative ROWs	Legacy Parkway Project Study Area: Could Potentially Occur on Proposed Build Alternatives ROWs	Habitat Use: Open Water	Riparian	Emergent Marsh	Wet Meadow	Mudflat/Pickleweed	Pasture	Cropland	Salt Desert Scrub	Developed
Federally Listed Species[2]		P	S	W	T		P	S	W	T												
Bald Eagle (Threatened)	X		RS	CW		X		RS	CW		X	X			FB	F	F	F	F		F	
Federal Candidate Species[2]		P	S	W	T		P	S	W	T												
Yellow-billed Cuckoo	X				RT								(X)		F							F
Conservation Agreement Species[3]		P	S	W	T		P	S	W	T												
Northern Goshawk	X				RT							(x)			F						F	
USFWS Birds of Conservation Concern[4]		P	S	W	T		P	S	W	T												
Swainson's Hawk	X		RS		UT	X		RS			X	X			B		F	F	F	F	F	
Ferruginous Hawk (also WSC species)	X		US		RT								X				F	F	F	F	F	
Golden Eagle	X	RP								RT		X					F	F	F	F	F	
Peregrine Falcon	X	RP				X	RP				X	X				F	F	F	F	F	F	F
Prairie Falcon	X	RP				X	RP					X					F	F	F	F	F	
American Golden-Plover	X				RT								X				F	F	F			
Snowy Plover	X		CS			X							X					FB				
American Avocet	X		CS			X		CS			X	X		F		FB	FB	FB	FB			
Solitary Sandpiper	X				RT					RT		X			F		F	F	F			
Whimbrel	X				RT								X					F	F			
Long-billed Curlew	X		US		CT	X				RT		X					F	FB			FB	
Marbled Godwit	X				CT					RT		X		F			F	F	F			
Sanderling	X			RW	UT								X					F				
Wilson's Phalarope	X		US		CT	X		RS		UT	X	X		F		F	FB	F	F			
Burrowing Owl (also WSC species)	X		RS			X		RS			X		X					F	F		FB	
Loggerhead Shrike	X	UP				X	UP					X			F						FB	F
Virginia's Warbler	X				RT								X		F						F	F
Brewer's Sparrow	X		CS		CT	X		RS				X			F		F	F	F	F	FB	F
Utah DWR Wildlife Species of Concern[3]																						
American White Pelican	X		CS			X		RS					X	F		F						
Short-eared Owl	X	CP				X	UP				X	X				F	F	F	F	F	FB	
Bobolink	X				RT								X				F		F	F	F	
Preble's shrew		D											(x)				X					
Spotted bat		R											X		X		X	X		X		X
Townsend's big-eared bat		C											X		X		X	X		X		X
Kit fox		A											X								X	
Summary: Total number of cells with values	24	9	10	2	14	13	4	7	1	5	7	14	14	4	10	6	18	20	16	10	14	7

[1] Species identified in the Migratory Bird Treaty Act
[2] Species listed under the Endangered Species Act
[3] UDWR (2003)
[4] USFWS (2002)

Bird Codes

Abundance Status

C = Common: Found consistently in fair numbers in appropriate habit and season
U = Uncommon: Found consistently in small numbers in appropriate habitat and season
R = Rare: Found infrequently but regularly in very small numbers in appropriate habitat and season

Residence Status

P = Permanent Resident: Found year-round
S = Summer visitant: Present during the nesting season
W = Winter visitant: Present during January and February
T = Transient: Migrates through the area in the spring and/or fall
X = Column heading status applies
(X) = Very few GSLE records; low probability of occurrence at Legacy Parkway project study area

Habitat Use Codes

F = Foraging Habitat
B = Breeding Habitat
FB = Foraging and Breeding Habitat

Codes for Amphibians, Reptiles, and Mammals

C = Common
R = Rare
D = Within species range but insufficient data to determine abundance
A = Accidental
X = Column heading status applies

with its unique mosaic of wetland, upland, mudflat, river delta, brackish and freshwater marsh, and ephemeral pond habitats, has long been recognized for its importance to migratory birds (Behle 1958; Knopf 1975; Jehl 1988; Paton 1994; Shuford et al. 1995; Paul and Manning 2002; Ivey et al. 2000). These habitats, and the ecological features of this large inland oasis, provide important refuge and resources for up to approximately 5 million birds a year. The wetlands of Great Salt Lake that these birds use account for 75 percent of all wetlands in Utah (Jensen 1974). The GSLE is internationally important because it is an integral part of the Pacific and Central Flyways for migratory waterfowl and is a key link of the Western Hemisphere Shorebird Reserve Network. Brine shrimp (*Artemesia fransiscana*) and brine flies (*Ephydra cinerea*) produced in Great Salt Lake provide a vital food source for these birds.

4.13.2.4 Existing Wildlife Habitats in Project Study Area

The proposed Legacy Parkway project alignments cross a complex of wetlands and uplands that includes the following habitat types.

- Wetland/riparian wildlife habitat categories.[3]
  - Open water.
  - Riparian.
  - Emergent marsh.
  - Wet meadow.
  - Mudflat/pickleweed.
- Upland wildlife habitat categories.
  - Pasture.
  - Cropland.
  - Salt desert scrub.
  - Developed (including urban landscaping).

[3] Some discrepancies are evident between direct habitat loss of wildlife habitat quantified in this Supplemental EIS and the extent of delineated wetlands described in Section 4.12 and in the Final EIS. These discrepancies are primarily the result of differences between the habitat classification system developed by the wildlife technical team for the wildlife technical memorandum and the classification system used to identify jurisdictional waters (including wetlands). Specifically, the wildlife technical memorandum examined wildlife habitats, whereas the wetland delineation follows Corps delineation standards. Accordingly, open water and riparian habitats have been mapped differently for purposes of this wildlife habitat analysis; consequently, the habitats mapped for this analysis include areas excluded from the Final EIS analysis because they did not qualify as jurisdictional waters. Moreover, the mapping undertaken in the preparation of the technical memorandum encompassed all habitats in the project study area, resulting in a dataset markedly different from that produced by the wetland delineation effort. The mapping methodologies are discussed in detail in Appendix B of the wildlife technical memorandum.

Figure 4.13-5 shows the distribution of these habitats in the project study area. Figure 4.13-6 shows the total acreage of each habitat. Detailed descriptions of each habitat and their associated wildlife are presented in Section 2.4.1 of the wildlife technical memorandum.

The wetland/riparian habitats around the lake are formed and maintained by a complex interplay of surface and subsurface fresh water and the fluctuating dynamics of Great Salt Lake's surface elevation. Many of the habitats directly associated with the shoreline, such as mudflats, nearshore playas, and emergent marshes, develop and subside with the rise and fall of the lake. Other more interior habitats, including wet meadows, permanent and ephemeral ponds, and riparian corridors, are more responsive to seasonal precipitation patterns and fluctuations in the water table. The upland habitats are more stable, providing important refuge, resting, and foraging habitat for many species, particularly when the lake level is high and the lower elevation habitats are flooded.

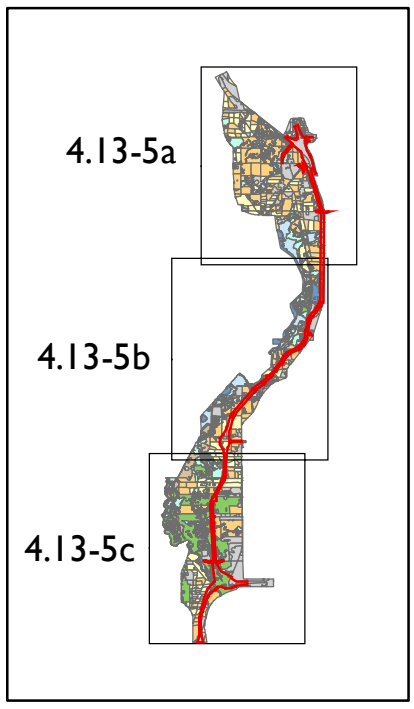
4.13.2.5 Existing Conditions Related to Wildlife Habitats in Project Study Area

This section describes the following existing conditions in relation to wildlife habitat in the project study area.

- Habitat fragmentation.
- Habitat quality (water and air).
- Wetland hydrology.
- Artificial landscaping.
- Wildlife mortality.
- Noise.
- Artificial light.
- Human disturbance.

Existing Habitat Fragmentation

By definition, habitat fragmentation results in the formation of smaller patches of habitat where larger, more contiguous patches once existed (Meffe et al. 1997). As a result of fragmentation, a larger population of a species that inhabited the original patch may become divided into several smaller subpopulations that are connected only by movement of individuals migrating between disjunct patches rather than along contiguous habitat (Primack 2000). Habitat fragmentation results in direct habitat loss and in changes in the geometry and biological connectivity between patches (Meffe et al. 1997). These changes can result in modifications of the availability and suitability of habitat to extant wildlife in an affected area. Over time, extinction rates in smaller, more isolated populations are generally higher than those in larger populations because of loss of genetic variation, inbreeding, genetic drift, and greater susceptibility to random population fluctuations and environmental changes, all of which ultimately affect the long-term viability of wildlife populations (Soulé 1987; Forman 1995; Primack 2000). However, such



State Street

Legend

Alternative A
Alternative B
Alternative C
Alternative E

Wetland/Wildlife Habitat

Cropland
Developed
Emergent Marsh
Mudflat/Pickleweed
Open Water
Pasture
Riparian
Scrub
Wet Meadow

525 262.5 0 525 1,050
Meters

Map Production: 3/16/04
Data Sources: Legacy Parkway Wetland / Wildlife Habitat Data

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Figure 4.13-5a
Wildlife Habitats and Build Alternatives in the Legacy Parkway Project Study Area

Legend

- Alternative B
- Alternative C
- Alternative A
- Alternative E

Wetland/Wildlife Habitat

- Cropland
- Developed
- Emergent Marsh
- Mudflat/Pickleweed
- Open Water
- Pasture
- Riparian
- Scrub
- Wet Meadow

510 255 0 510 1,020

Meters

Map Production: 3/16/04
Data Sources: Legacy Parkway Wetland / Wildlife Habitat Data

500 South

4.13-5a

4.13-5b

4.13-5c

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Figure 4.13-5b
Wildlife Habitats and Build Alternatives in the Legacy Parkway Project Study Area

500 South

I-215

I-215

Legend

Alternative A
Alternative B
Alternative C
Alternative E

Wetland/Wildlife Habitat

Cropland
Developed
Emergent Marsh
Mudflat/Pickleweed
Open Water
Pasture
Riparian
Scrub
Wet Meadow

510 255 0 510 1,020
Meters

Map Production: 12/15/03
Data Sources: Legacy Parkway Wetland / Wildlife Habitat Data

N

4.13-5a
4.13-5b
4.13-5c

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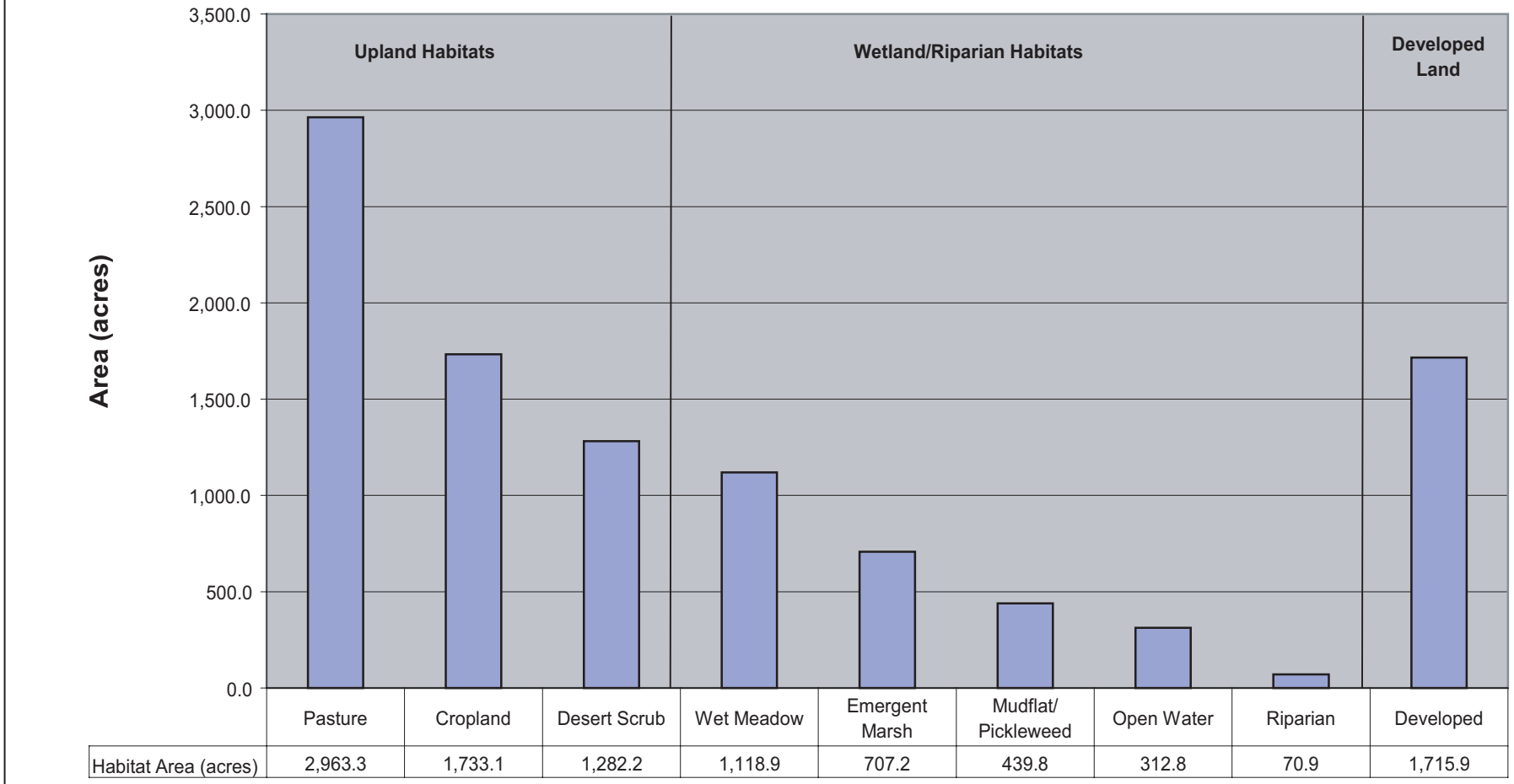
Figure 4.13-5c
Wildlife Habitats and Build Alternatives in the Legacy Parkway Project Study Area



	Pasture	Cropland	Desert Scrub	Wet Meadow	Emergent Marsh	Mudflat/ Pickleweed	Open Water	Riparian	Developed
Habitat Area (acres)	2,963.3	1,733.1	1,282.2	1,118.9	707.2	439.8	312.8	70.9	1,715.9

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Figure 4.13-6
Total Existing Wildlife Habitat in Project Study Area

effects are most likely to impact relatively sedentary species with low dispersal capabilities such as amphibians, reptiles, small mammals, and many invertebrates.

The existing habitats within the project study area exhibit extensive fragmentation today due to previous construction of railroad corridors (UPRR and D&RG), I-15, and many smaller roads, as well as other previous development and disturbance (e.g., farming, grazing, dikes, and fences) in many areas in the project vicinity. These and other land use changes in the project study area and the GSLE have resulted in marked fragmentation of wildlife habitats along the Wasatch Front. In particular, these changes have resulted in movement barriers to wildlife between the Wasatch Mountains and Great Salt Lake. Rural and urban road networks in the intervening uplands, agriculture, and development have also significantly fragmented historic wildlife habitats in the GSLE. The wildlife populations now present in these areas are likely to have already experienced many of the population changes typically associated with habitat fragmentation (e.g., reduced carrying capacity, lower reproductive success, higher susceptibility to predation). However, aside from GIS information documenting habitat changes, no data are available to substantiate or detail these changes. Existing conditions represent highly modified populations from historic times. Based on observed changes in other fragmented wildlife populations described in the literature (e.g., Soulé 1987; Forman 1995; Primack 2000), it is presumed that wildlife in the project study area has experienced reduced species diversity, population densities, and distributions in response to cumulative long-term effects of these land use changes.

Existing Habitat Quality

Section 4.10, *Water Quality*, provides an updated description of water quality in the study area, as described in Section 4.0.1, *Study Area*. Relative to existing wildlife habitat quality, since publication of the Final EIS, the Jordan River has been listed as an impaired water that does not meet Class 3B (warm-water species of game fish) or Class 3C (non-game fish) standards under the Clean Water Act because of low dissolved oxygen.

As described in Section 4.8, *Air Quality*, air quality in the project and regional study areas is generally considered good. The air quality monitoring site nearest the project study area is in Bountiful (65 West 300 South). Levels of ozone, sulfur dioxide, carbon monoxide, and particulate matter (PM10 and PM2.5) are monitored at the site. Salt Lake and Davis Counties are nonattainment areas for ozone (1 hour-average) and PM10. Since 1997, there have been two exceedances of the 1-hour standard for ozone (0.125 ppm) and two for the new PM2.5 standard (65 $\mu g/m^3$).

Existing Wetland Hydrology

The hydrology of the project study area is a function of both seasonal and spatial patterns of water flow, both on the surface and underground. The surface water bodies within the project study area include the Jordan River, nine creeks, wetlands associated with Great Salt Lake, and several ditches and canals.

Many of the wetlands respond to a shallow water table associated with groundwater discharge and periodic precipitation. As described in Section 4.10, *Water Quality*, the project study area is located over a multilayered groundwater flow system consisting of a shallow unconfined aquifer and a deeper principal aquifer that is part of a larger aquifer system on the eastern shore. The depth of the shallow groundwater varies between 0 and 3 m (9 ft). The principal aquifer lies at a depth of approximately 60 m (200 ft) and is separated from the shallow groundwater by a layer of fine-grained soil of varying thickness. It is recharged primarily by precipitation at the base of the Wasatch Mountains outside the project study area. Subsurface groundwater flow generally moves from this recharge area westward toward Great Salt Lake, but there is also an equal or greater component of vertical flow from deeper confined zones of the principal aquifer (Forster and Neff 2002).

Substantial modification of the natural surface hydrology of the wetlands associated with the Jordan River Delta has occurred with the creation and management of numerous duck clubs and the Farmington Bay Waterfowl Management Area (FBWMA). These changes have benefited many migrating waterfowl and shorebird species through enhancement of wetlands formerly affected by historic water diversion and management projects.

Existing Artificial Landscaping in Project Vicinity

Portions of the project study area have been artificially landscaped in residential, commercial, and industrial areas. Some of this landscaping also exists in rural residential areas, including around ranch houses and other ranch buildings. Artificial landscaping incorporates many nonnative and native trees, shrubs, and other vegetation. The urban landscaping in the project study area provides useable habitat for a variety of native and introduced migratory species.

Existing Sources of Direct Wildlife Mortality in Project Vicinity

There is little information on existing sources of wildlife mortality within the project study area. Aside from natural causes of death, such as predation, disease, and limited longevity, there is undoubtedly some roadkill associated with existing roads in the area, particularly for amphibians, reptiles, and small mammals found in adjacent habitats, as well as predatory birds and mammals that may be attracted to the carcasses.

Existing Sources and Levels of Noise in Project Vicinity

The noise levels within the project study area were sampled July 1 to 2, 2003, to estimate existing conditions. This analysis included both short-term (1-hour) and long-term (3-day) measurements at various locations within the project study area (Figure 4.13-7) and up to approximately 6 km (3.7 mi) beyond the project study area. Existing noise levels in the project study area are elevated by traffic noise from I-15 and aircraft overflights from Salt Lake City International Airport. Tables 4.13-3 and 4.13-4 present the results of this sampling. A complete discussion of the noise impacts analysis is provided in Section 4.9, *Noise*.

Existing Sources of Artificial Light in Project Vicinity

Increased lighting can affect wildlife in a variety of ways, both positive and negative. Some species such as bats may benefit from artificial light because it attracts aerial insects, their primary prey. Artificial light may also benefit various predators such as foxes by making prey species such as mice more visible at night. Other species, including some fish, amphibians, birds, mammals, and invertebrates, may have their diurnal or reproductive cycles interrupted or may experience direct mortality and increased predation rates because of artificial light.

The project study area is affected by artificial lighting from residential and commercial developments in the greater Salt Lake City region. Some of the major industrial sources of artificial light in the project vicinity are listed below.

- Chevron USA, Inc. petroleum refinery in Salt Lake City.
- Amoco Oil Company petroleum refinery in Salt Lake City.
- Tesoro petroleum refinery in Salt Lake City.

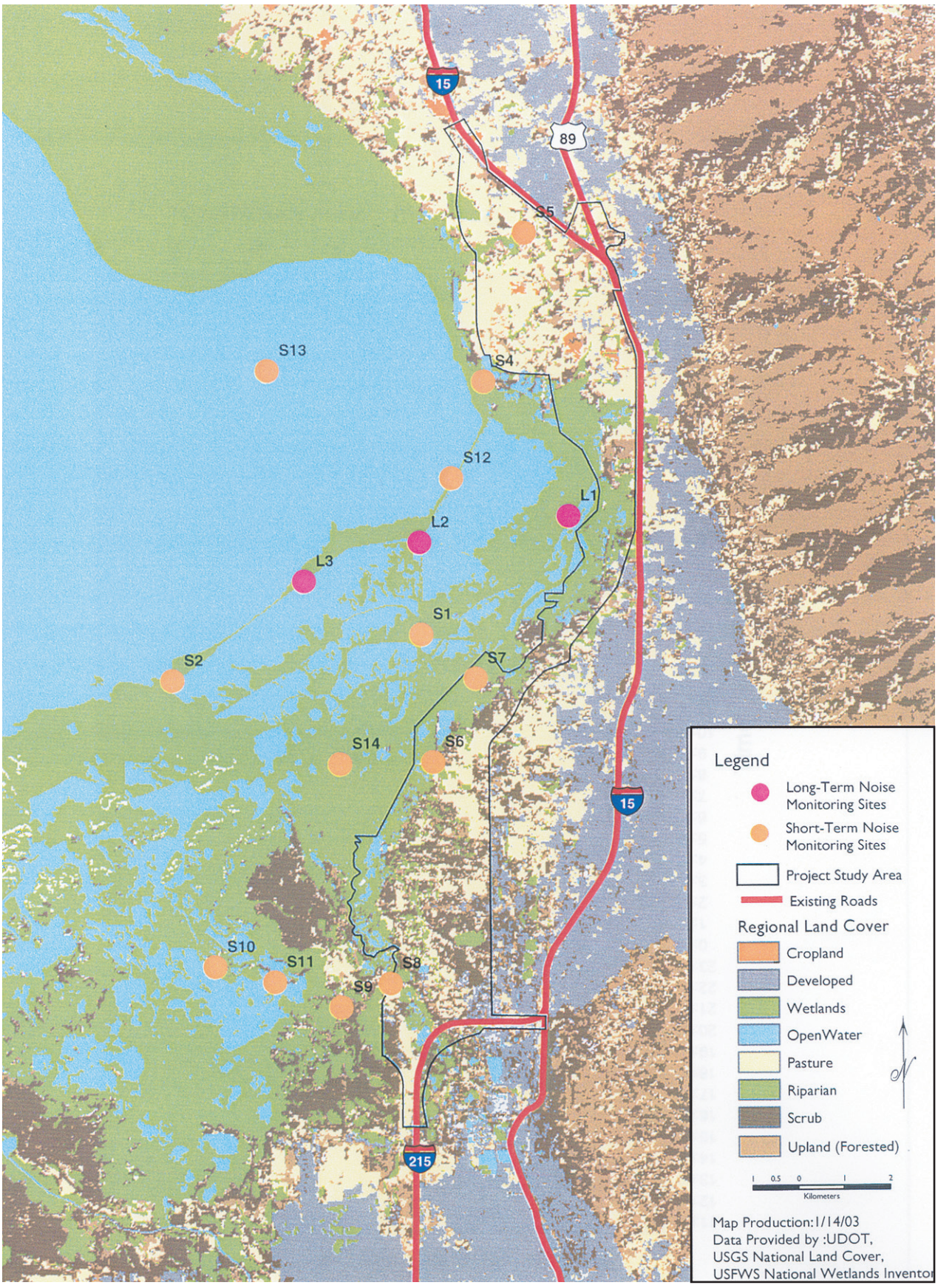

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Figure 4.13-7
Noise Monitoring Locations in the Legacy Parkway Project Study Area

Table 4.13-3 Short-Term Sound Level Measurements

Recording Location	Date	Start Time	Duration (min)	Average Wind Speed (mph)	Leq[1]	Lmin[2]	L90[3]	L50[3]	L10[3]	Lmax[4]	Distinct Noise Sources
5	1 Jul	12:43	16:00	8.4	52.2	41.8	43.9	47.1	53.5	67.3	Vehicle passages, crickets, wind in vegetation
6	1 Jul	13:50	16:00	11.6	52.3	40.2	44.8	49.3	56.3	62.6	Aircraft, wind in vegetation
7	1 Jul	14:48	10:00	14.8	52.3	45	47.1	51.3	55.1	66.6	Wind in vegetation, no audible human sound
8	1 Jul	15:36	15:00	8.6	59.5	39.2	42.3	48	60.5	79.1	Vehicle passages, distant traffic, aircraft, wind in vegetation
9	1 Jul	18:40	18:00	11.1	48.3	32.2	39.7	44.7	52.4	60.9	Wind in vegetation, aircraft
10	1 Jul	19:20	15:00	2.7	59.9	33.2	36.2	45	62	76.5	Aircraft, birds
11	1 Jul	19:59	15:00	4.4	51.9	33.1	40.2	45.4	51.5	71.4	Aircraft, birds
12	2 Jul	7:02	19:00	2.2	43.9	32	33.7	36.1	44	61.6	Aircraft, birds
13	2 Jul	7:57	14:00	2.8	46.8	39.8	41.8	43.4	46.6	61	Aircraft, distant birds
1	2 Jul	9:36	17:00	1.2	42.6	33.4	36.5	40.6	45.8	52.6	Aircraft, birds
2	2 Jul	10:33	18:00	2.9	45.1	31.2	33.8	40.8	49.2	57.1	Aircraft, crickets
6	2 Jul	12:33	15:00	4.1	40.8	31.7	33.8	36.7	42.1	57.6	Wind in vegetation, birds, aircraft
14	2 Jul	13:29	16:00	4.5	47.2	31.8	33.7	36.6	52.3	61.2	Wind in vegetation, birds, aircraft
4	2 Jul	14:53	15:00	4.8	37.1	30.8	31.6	33.6	38.4	53.1	Distant construction activity, aircraft
				Mean	48.6	35.4	38.5	42.8	50.7	64.3	
				STDEV	6.6	4.7	5.0	5.5	6.8	7.6	
				Min	37.1	30.8	31.6	33.6	38.4	53.1	
				Max	59.9	45	47.1	51.3	62	79.1	
				Range	22.8	14.2	15.5	17.7	23.6	26.0	

[1] **Leq.** Equivalent Sound Level. The equivalent steady-state sound level that, in a stated period of time, would contain the same acoustical energy.
[2] **Lmin.** Minimum Sound Level. The minimum sound level measured during the measurement period.
[3] **Lxx.** Percentile-Exceeded Sound Level. The sound level exceeded "x" percent of a specific time period. L10 is the sound level exceeded 10 percent of the time.
[4] **Lmax.** Maximum Sound Level. The maximum sound level measured during the measurement period.

Table 4.13-4 Mean, Standard Deviation, Minimum, and Maximum Noise Levels

SPL[1] (dBA)[2]	Leq[3]				L10[4]				L50[4]				L90[4]			
	L1	L2	L3	L1–L3	L1	L2	L3	L1–L3	L1	L2	L3	L1–L3	L1	L2	L3	L1–L3
Mean	53	45	52	50	55	48	54	51	47	41	46	45	43	36	41	40
SDEV	11	8	8	10	11	8	9	11	8	7	8	8	7	5	6	7
Minimum	41	36	40	36	42	37	41	35	37	34	36	34	36	32	35	32
Maximum	78	69	71	78	81	73	75	81	71	67	69	71	65	58	64	65

[1] **SPL.** Sound Pressure Level.
[2] **dBA.** A-Weighted Decibel. An overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.
[3] **Leq.** Equivalent Sound Level. The equivalent steady-state sound level that, in a stated period of time, would contain the same acoustical energy.
[4] **Lxx.** Percentile-Exceeded Sound Level. The sound level exceeded "x" percent of a specific time period. L10 is the sound level exceeded 10 percent of the time.

- Flying J petroleum refinery in North Salt Lake.
- Portland Cement plant in North Salt Lake.
- Phillips 66 petroleum refinery in Woods Cross.
- Crysen Refining petroleum refinery in Woods Cross.
- Golden Eagle Refinery, Inc. petroleum refinery in Woods Cross.
- Utah Power and Light substation in Centerville.
- Salt Lake City International Airport, located just west of the project's southern terminus (runway, building, and control tower lights, as well as aircraft lights).

Existing Sources of Human Disturbance in Project Vicinity

Human disturbance can have adverse effects on wildlife, and many bird species are sensitive to some level of direct disturbance of their nest sites or intrusions into their nesting territories. Portions of the project study area have already been converted to residential, commercial, and industrial uses; wildlife using these areas often experiences frequent disturbance from human activities and domestic pets. Human and domestic pet access to the wildlife habitat within the project study area would likely result in some level of habitat degradation and wildlife mortality; domestic and feral cats pose a particular threat to wildlife (especially avian) mortality.

Other portions of the project study area are currently low-density, rural residential areas or ranches. In those areas, potential human sources of wildlife disturbance include vehicle traffic on the unsurfaced roads and off-highway vehicle use in unroaded areas. The grazing, trampling, etc. of cattle and horses also are likely to remove cover and alter species habitat. In addition, unauthorized hunting and shooting may occur in some areas and can result in direct wildlife mortality.

4.13.3 Environmental Consequences and Mitigation Measures

This section discloses potential direct, indirect, and cumulative effects of each project alternative on wildlife, including species of concern to federal agencies and the State of Utah. As described in Section 4.0.3, *Alternatives Evaluated*, the alternatives analyzed in this document represent modifications, based on a reduced right-of-way width of 95-m (312-ft), of the alternatives analyzed in the Final EIS.

As described in the Final EIS, all the proposed build alternatives could have impacts on wildlife and their upland and wetland habitats in the project study area. In addition, since publication of the Final EIS, construction activities associated with Alternative D (Final EIS Preferred Alternative) and new development unrelated to the proposed action have affected wildlife in the project study area. This section provides an updated discussion of the following wildlife impacts for each proposed build alternative; these impacts are examined in more detail in the wildlife technical memorandum.

- Direct habitat loss.
- Changes in lake level and habitat availability.
- Habitat fragmentation.
- Changes in habitat quality, including
  - air quality and
  - water quality.
- Habitat modification, including
  - wetland hydrology and
  - artificial landscaping.
- Wildlife mortality.
- Artificial light disturbance.
- Highway noise disturbance.
- Human disturbance.
- Effects on wildlife species of concern.
- Cumulative effects.

4.13.3.1 Direct Habitat Loss

Construction of any build alternative would result in direct loss of wildlife habitat in the project right-of-way. Habitat losses would be caused by such activities as excavation, grading, highway construction, and

development and use of staging and access areas. The extent and character of these losses would be a function of the location of the alignment within the matrix of habitats in the project study area.

Total Available Habitat

The total amount of each habitat that occurs in the project area is shown above in Figure 4.13-6. Upland habitats (pasture, cropland, and salt desert scrub) comprise much larger areas than do wetland/riparian habitats (wet meadow, emergent marsh, mudflat/pickleweed, open water, and riparian). Pasture is the most extensive upland habitat; wet meadow is the most extensive wetland/riparian habitat. Developed lands are excluded from this discussion because construction of any build alternative would cause a net increase of this habitat category.

As explained in Footnote 3 above, the mapping methodology for the wildlife analysis resulted in discrepancies between the apparent extent of habitats described in Section 4.12, *Wetlands*, and this section. Wetland/riparian habitats used for the wildlife analysis include delineated wetlands and non-delineated riparian areas. Including these habitats in the wetland/riparian category enabled the wildlife analysis to focus on land areas actually used by wildlife, rather than areas defined strictly by the technical wetland delineation boundaries.

No-Build Alternative

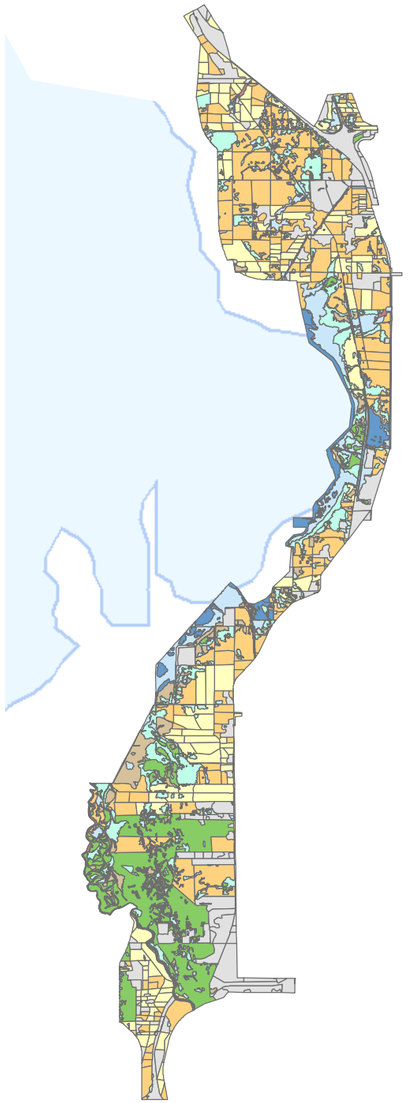
Existing Conditions (2004)

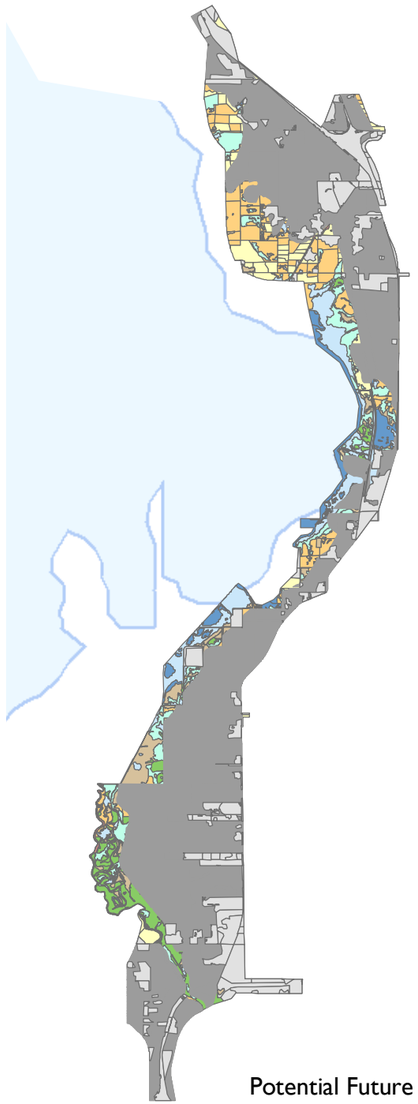
Under the existing conditions No-Build Alternative, there would be no project-related loss of wildlife habitat in the project study area. There also would be no mitigation in the form of the proposed Legacy Nature Preserve, which is described below in Section 4.13.3.14.

Future Conditions (2020)

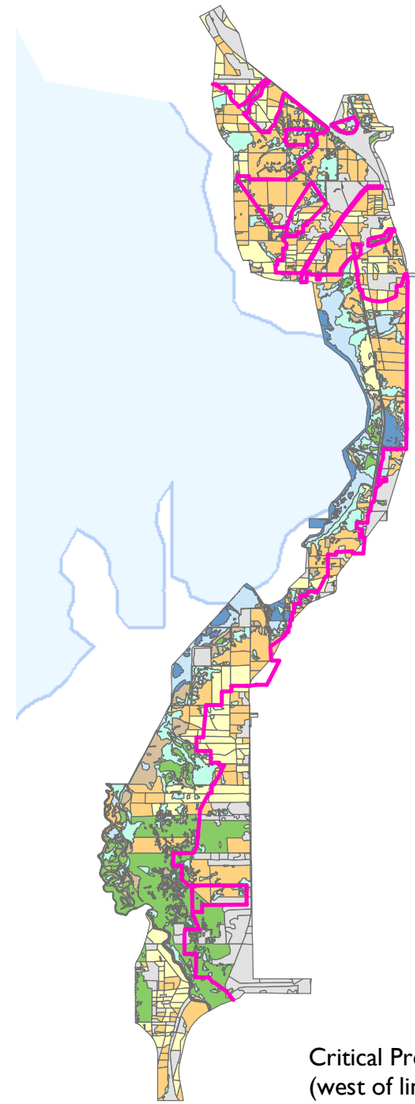
Even without construction of Legacy Parkway, under the future conditions No-Build Alternative, reasonably foreseeable future land use changes would add to the historic loss and fragmentation of wildlife habitat (see Section 4.13.2.2, *Historic Habitat Conditions*). Approximately 47 percent of the wetland/wildlife habitat remaining in the regional study area (55,002 ha [135,915 ac] of 117,027 ha [288,181 ac] is on private land, which is subject to reasonably foreseeable future land use changes. The percentage of historical wetland/wildlife habitat remaining in the region varies locally by hydrologic unit, as described above in Section 4.13.2.2.

Table 4.13-5 illustrates the potential impact of future development on wetland/wildlife habitat in the study area, both with and without the proposed build alternatives. Two categories of development were identified to illustrate potential impacts of future development in the project study area: areas developed subsequent to 1997 (developed), and areas potentially developable in the future (developable). As indicated in Table 4.13-5, the Legacy Parkway project is not the only potential source of loss of wetland and upland habitats in the future. For example, future build-out conditions not associated with any proposed build alternative (*Build-Out Developed* in Table 4.13-5) indicate a loss or degradation of 15.1 ha (37.4 ac) of emergent marsh, 4.7 ha (11.6 ac) of mudflat/pickleweed, and 27.8 ha (68.7 ac) of the wet meadow habitats in the project study area from development not related to Legacy Parkway (Figure 4.13-8).





Potential Future Development



Critical Protection Areas*
(west of line)

3

Legend

Critical Protection Areas (west of line)*

Potential Future Developement

- Developed
- Developable

Wetland / Wildlife Habitat

- Cropland
- Developed
- Emergent Marsh
- Mudflat/Pickleweed
- Open Water
- Pasture
- Riparian
- Scrub
- Wet Meadow

1 0.5 0 1 2
Kilometers

Map Production: 12/15/03
Data Sources: UDOT Project Alternatives and Wetland / Wildlife Habitat Data, Potential Future Development modified from the Final EIS
*Davis County Critical Protection Area from the Wetlands Conservation Plan -- A Plan for Protection of the Great Salt Lake Wetlands Ecosystem in Davis County (December 1996).

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Figure 4.13-8
Legacy Parkway Study Area Potential Future Development

Table 4.13-5 Potential Impact (acres) of Future Development and Build Alternatives in Project Study Area

Habitat	Total Project Study Area	Build Out		Alternative A and Build Out		Alternative B and Build Out		Alternative C and Build Out		Alternative E and Build Out	
		Developed	Developable	Developed	Developable	Developed	Developable	Developed	Developable	Developed	Developable
Cropland	1733.1	264.3	1103.2	379.9	988.2	482.9	938.6	279.4	1011.6	374.3	994.4
Emergent Marsh	707.2	37.4	161.1	52.0	155.6	74.3	139.1	54.5	151.5	55.0	152.6
Mudflat/Pickleweed	439.8	11.6	168.9	17.3	167.4	26.3	156.5	42.9	152.1	26.4	159.7
Open Water	312.8	8.1	27.1	16.6	24.7	30.5	20.4	16.7	21.3	21.9	19.3
Pasture	2963.3	588.5	1706.5	754.2	1545.3	849.3	1544.0	764.5	1547.5	787.8	1522.9
Riparian	70.9	12.2	21.8	14.2	19.7	15.2	19.6	16.4	18.6	14.9	19.0
Scrub	1282.2	167.4	799.9	283.7	688.1	232.7	748.7	306.2	673.8	282.6	690.2
Wet Meadow	1118.9	68.7	566.8	130.2	511.6	147.0	506.3	149.9	499.6	127.7	515.8
Wetland	2649.7	138.1	945.6	230.4	878.9	293.5	841.8	278.9	843.1	246.0	866.4
Upland	5978.6	1020.2	3609.6	1417.8	3221.7	1564.9	3231.2	1440.0	3233.0	1444.8	3207.4

Build Alternatives

The total area of upland, wetland/riparian, and combined habitats that would be directly lost as a result of each build alternative is described below and summarized in Figure 4.13-9.

Alternative A

Alternative A would result in the following direct habitat loss within the right-of-way.

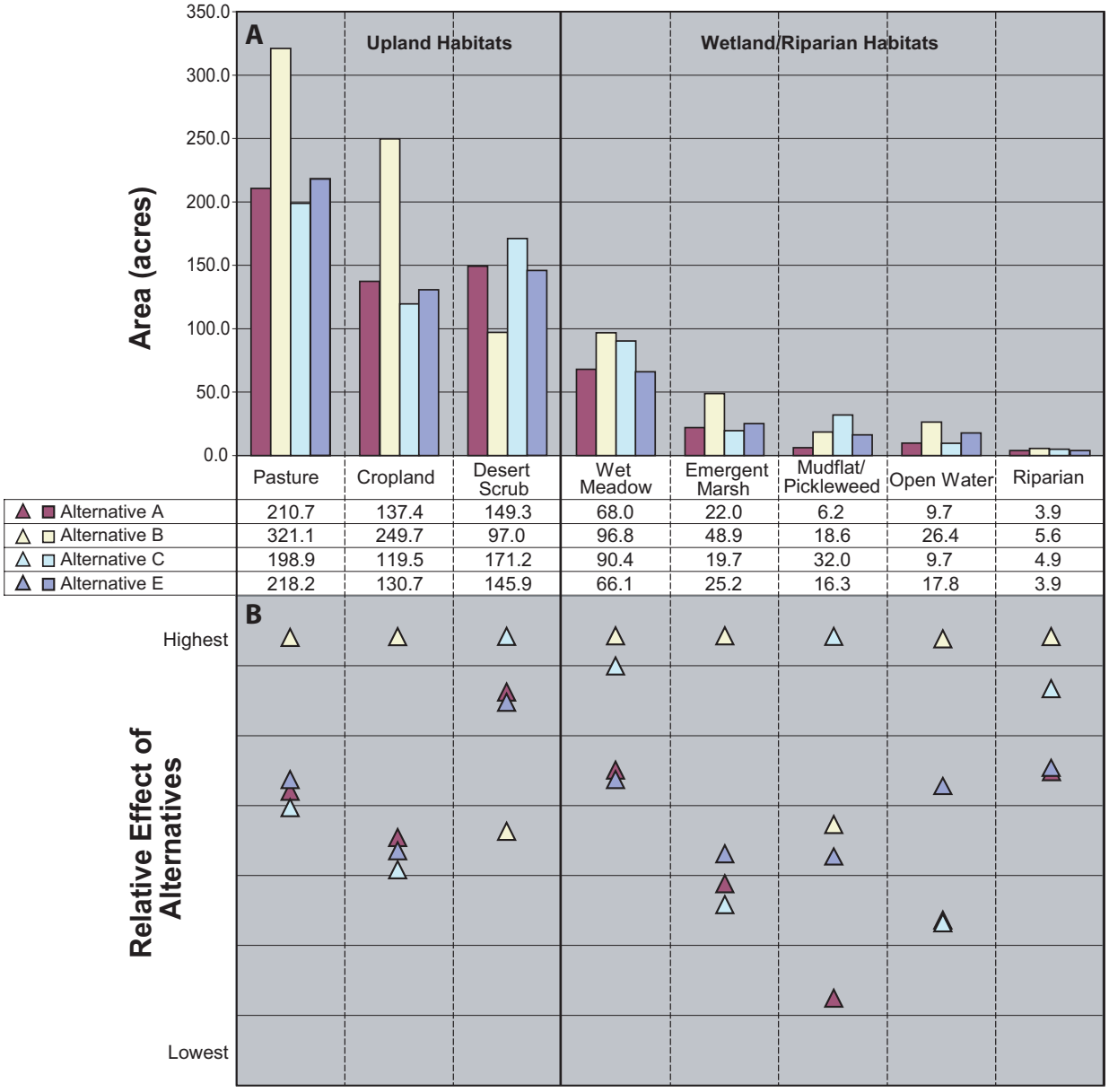
- Loss of 44.4 ha (109.8 ac) of wetland/riparian habitat, comprising
  - 27.5 ha (68.0 ac) of wet meadow,
  - 8.9 ha (22.0 ac) of emergent marsh,
  - 2.5 ha (6.2 ac) of mudflat/pickleweed,
  - 3.9 ha (9.7 ac) of open water, and
  - 1.6 ha (3.9 ac) of riparian habitat.
- Loss of 201.3 ha (497.4 ac) of upland wildlife habitat, comprising
  - 85.3 ha (210.7 ac) of pasture,
  - 55.6 ha (137.4 ac) of cropland, and
  - 60.4 ha (149.3 ac) of salt desert scrub habitat.

The total amount of land in the developed habitat category in the Alternative A right-of-way would be 109.9 ha (271.5 ac).

Alternative B

Alternative B would result in the following direct habitat loss within the right-of-way.

- Loss of 79.5 ha (196.3 ac) of wetland/riparian, comprising
  - 39.2 ha (96.8 ac) of wet meadow,
  - 19.8 ha (48.9 ac) of emergent marsh,
  - 7.5 ha (18.6 ac) of mudflat/pickleweed,
  - 10.7 ha (26.4 ac) of open water, and
  - 2.3 ha (5.6 ac) of riparian habitat.
- Loss of 270.2 ha (667.8 ac) of upland wildlife habitat, comprising



	Pasture	Cropland	Desert Scrub	Wet Meadow	Emergent Marsh	Mudflat/ Pickleweed	Open Water	Riparian
Alternative A	210.7	137.4	149.3	68.0	22.0	6.2	9.7	3.9
Alternative B	321.1	249.7	97.0	96.8	48.9	18.6	26.4	5.6
Alternative C	198.9	119.5	171.2	90.4	19.7	32.0	9.7	4.9
Alternative E	218.2	130.7	145.9	66.1	25.2	16.3	17.8	3.9

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Figure 4.13-9
Direct Habitat Loss in Project Study Area by Habitat Type

- 129.9 ha (321.1 ac) of pasture,
- 101.1 ha (249.7 ac) of cropland, and
- 39.3 ha (97.0 ac) of salt desert scrub habitat.

The total amount of land in the developed habitat category in the Alternative B right-of-way would be 100.0 ha (247.1 ac).

Alternative C

Alternative C would result in the following direct habitat loss within the right-of-way.

- Loss of 63.2 ha (156.7 ac) of wetland/riparian habitat, comprising
  - 36.6 ha (90.4 ac) of wet meadow,
  - 7.8 ha (19.7 ac) of emergent marsh,
  - 12.9 ha (32.0 ac) of mudflat/pickleweed,
  - 3.9 ha (9.7 ac) of open water, and
  - 2.0 ha (4.9 ac) of riparian habitat.
- Loss of 198.2 ha (489.6 ac) of upland wildlife habitat, comprising
  - 80.5 ha (198.9 ac) of pasture,
  - 48.4 ha (119.5 ac) of cropland, and
  - 69.3 ha (171.2 ac) of salt desert scrub habitat.

The total amount of land in the developed habitat category in the Alternative C right-of-way would be 91.3 ha (225.5 ac).

Alternative E

Alternative E would result in the following direct habitat loss within the right-of-way.

- Loss of 52.3 ha (129.3 ac) of wetland/riparian wildlife habitat, comprising
  - 26.7 ha (66.1 ac) of wet meadow,
  - 10.2 ha (25.2 ac) of emergent marsh,
  - 7.2 ha (17.8 ac) of open water,
  - 6.6 ha (16.3 ac) of mudflat/pickleweed, and
  - 1.6 ha (3.9 ac) of riparian habitat.

- Loss of 200.2 ha (494.8 ac) of upland wildlife habitat, comprising
  - 88.3 ha (218.2 ac) of pasture,
  - 52.9 (130.7 ac) of cropland, and
  - 59.0 ha (145.9 ac) of salt desert scrub.

The total amount of land in the developed habitat category in the Alternative E right-of-way would be 103.8 ha (256.6 ac).

Regional Context: Proportion of Available Habitat Loss under Build Alternatives

As described in Section 4.13.2, although all the wildlife habitats found in the project study area are also found in other areas of the GSLE, the project study area is located within a system of extensive wetlands that includes the Jordan River Delta and the FBWMA, which is used by many thousands of migratory birds each year. In total, the project study area represents 0.88 percent of the regional study area, and 0.8 percent of the wildlife habitat in the region is located in the project study area. Table 4.13-6 presents a summary of the acreage of each habitat type in the project and regional study areas for each project alternative.

Table 4.13-6 Areal Comparison of Build Alternatives with Regional Study Area*

	Regional Land Cover	Project Study Area		Alternative A		Alternative B		Alternative C		Alternative E	
Habitat	acres	acres	%	acres	%	acres	%	acres	%	acres	%
Cropland	113,742	83	0.07	1	0.001	3	0.003	1	0.001	0	0.000
Developed	159,416	467	0.29	108	0.068	111	0.069	105	0.066	111	0.069
Emergent Marsh	42,817	1,212	2.83	24	0.056	110	0.257	86	0.201	44	0.103
Mudflat/Pickleweed	184,915	341	0.18	2	0.001	12	0.006	17	0.009	3	0.001
Pasture	285,165	3,372	1.18	315	0.110	351	0.123	213	0.075	274	0.096
Riparian	3,728	8	0.20	0	0.000	1	0.024	0	0.006	0	0.000
Scrub	206,017	2,469	1.20	267	0.130	283	0.137	293	0.142	286	0.139
Unclassified	11,283	67	0.60	23	0.205	24	0.217	26	0.227	22	0.195
Upland	22,084	707	3.20	79	0.356	101	0.458	64	0.290	79	0.357
Wet Meadow	99,139	1,203	1.21	52	0.052	87	0.088	71	0.071	67	0.067
Total Wetland[1]	326,871	2,756	0.84	79	0.024	209	0.064	174	0.053	114	0.035
Total Upland[2]	604,923	5,924	0.98	582	0.096	637	0.105	506	0.084	561	0.093
Total[3]	1,128,305	9,929	0.88	870	0.077	1,083	0.096	874	0.077	886	0.079

* Areal calculations are based on regional-scale data. Please refer to the cumulative impacts analysis and Appendix B for a discussion of data limitations.
[1] Total Wetland comprises emergent marsh, wet meadow, and mudflat/pickleweed.
[2] Total Upland comprises desert salt scrub, cropland, and pasture.
[3] Total is the sum of all habitat types

The wildlife technical memorandum provides a detailed discussion of the contribution of the Legacy Parkway project to habitat loss in the region. Less than 0.1 percent of regionally available wildlife habitat around Great Salt Lake that is used by migratory species would be directly lost under any build alternative. The percentage lost per alternative is summarized in Table 4.13-7 to provide the regional context for this habitat loss.

Table 4.13-7 Percentage of Regionally Available Wildlife Habitat Loss by Alternative

Alternative	Wetland/Riparian Habitats	Upland Habitats
No-Build (Existing Conditions)	0.0%	0.0%
Alternative A	0.024%	0.096%
Alternative B	0.064%	0.105%
Alternative C	0.053%	0.084%
Alternative E	0.035%	0.093%

4.13.3.2 Changes in Lake Level and Habitat Availability

No-Build Alternative

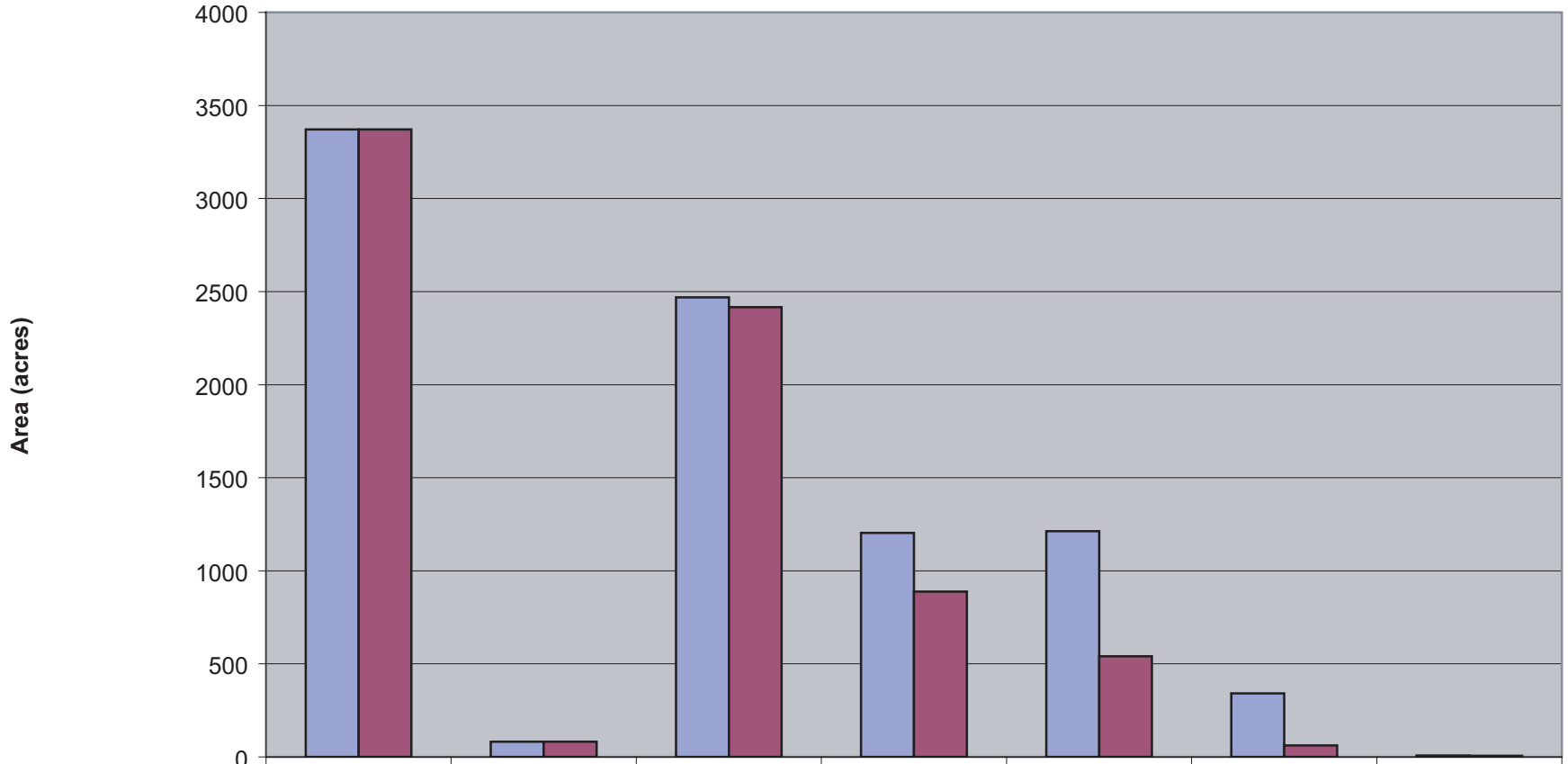
Existing Conditions and Future Conditions

As the level of Great Salt Lake rises through natural processes, existing terrestrial habitats are inundated and converted to saline, open water habitat. The lake reached a historic high of approximately 1,283.7 m (4,211.5 ft) on April 15, 1987, and a low of 1277.4 m (4,191 ft) on October 15, 1963. As the lake level rises, the total amount of available terrestrial habitat within the project study area decreases. As the lake level naturally recedes, the former ecological communities regenerate slowly. These conditions would continue to exist under the No-Build Alternative.

The level of Great Salt Lake is expected to rise and fall in the future, and effects of this natural phenomenon are expected to be similar to those described above under existing conditions.

Build Alternatives

To account for the dynamics of the level of Great Salt Lake, the combined effects of natural inundation from changes in lake level and implementation of each build alternative were examined to determine how these factors act in concert to affect the temporal pattern of overall availability of wildlife habitats within the project and regional study areas. Figures 4.13-10 and 4.13-11 show the areal extent of available habitats in the project and regional study areas at low and high lake levels. These data show relatively little change in upland habitats (pasture, cropland, scrub) with lake level change, but the availability of wetland habitats (wet meadow, emergent marsh, and mudflat/pickleweed) is markedly reduced at high lake levels. Regionally, at high water there is a 64 percent reduction in both mudflat/pickleweed habitat and emergent marsh habitat, a 30 percent change in wet meadow, and a 15 percent reduction in available riparian habitat.



	Pasture	Cropland	Scrub	Wet Meadow	Emergent Marsh	Mudflat/ Pickleweed	Riparian
Total Habitat at Low Water (acres)	3,372	83	2,469	1,203	1,212	341	8
Total Habitat at High Water (acres)	3,371	81	2,416	888	541	62	6

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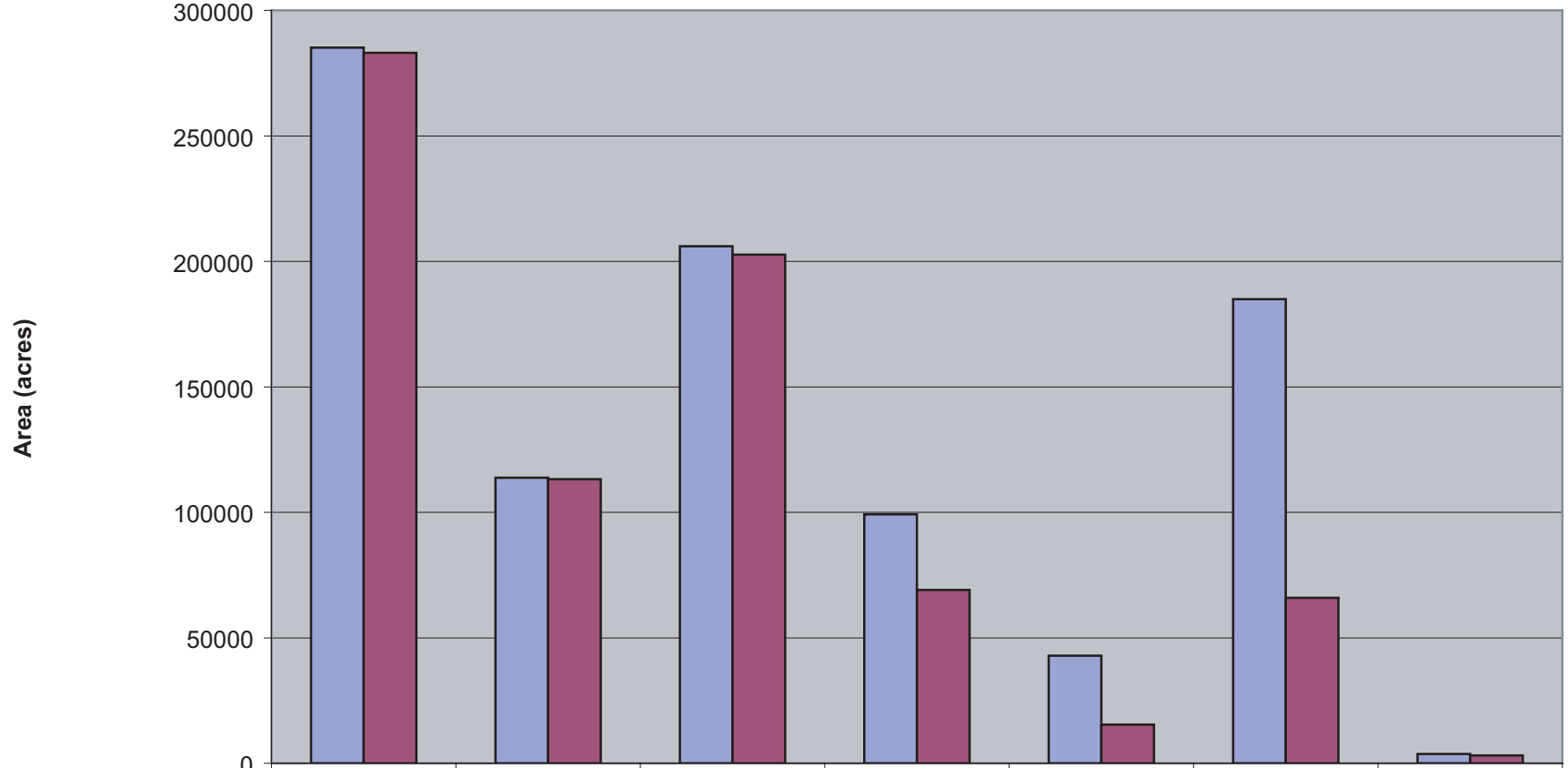
Figure 4.13-10
Wildlife Habitat Availability in Project Study Area at Low and High Lake Levels



	Pasture	Cropland	Scrub	Wet Meadow	Emergent Marsh	Mudflat/ Pickleweed	Riparian
Total Habitat at Low Water (acres)	285,165	113,742	206,017	99,139	42,817	184,915	3,728
Total Habitat at High Water (acres)	283,104	113,195	202,614	69,005	15,431	65,938	3,139

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Figure 4.13-11
Wildlife Habitat Availability in Regional Study Area at Low and High Lake Levels

Table 4.13-8 shows the acreage of each habitat that would be lost under each alternative and the percentage of regionally available habitat the lost area represents at low and high lake levels. Proportionally, the amount of any habitat that would be lost under any proposed alternatives is very small at both low lake level (<0.4 percent) and high lake level (<0.5 percent). Because of the very large area of habitat available regionally and the comparatively small area of the proposed action, the change in lake level does not measurably affect the proportion of habitat lost under each alternative, even though the level of the lake can cause up to a 64 percent change in the regional availability of habitat. The largest proportional change in any habitat between low and high lake level is only 0.3 percent (emergent marsh, Alternative B). This level of change, while calculable, is insignificant with regard to the inherent error of the GIS polygon measurement methodology.

At the project study area level, the change in the areas of habitats that would be lost to the proposed action (Figure 4.13-10, Table 4.13-9) is proportionally greater at both low and high lake levels than that described above for the regional level (Table 4.13-8). For example, mudflat/pickleweed habitat lost under Alternative C changes from 5 percent of the available habitat in the project study area at low lake level to 27 percent of the habitat in the project study area at high lake level—a change of 22 percent. Under Alternative B, emergent marsh habitat changes 11 percent from 9 percent at low lake level to 20 percent at high lake level. Changes in other habitats are all smaller. These project study area changes represent the local effects of lake level change on habitat availability. As with the regional analysis, the greatest changes in wetland habitats are at the lower elevations.

The biological affects of lake level change are summarized below and detailed in the wildlife technical memorandum.

- The rate of change of each existing habitat type associated with inundation varies depending largely on the habitat's distribution within each inundation zone. For example, the extent of available mudflat/pickleweed changes rapidly between 1,281.4 m (4,204 ft) and 1,283.8 m (4,212 ft), the inundation zone in which most of that habitat occurs; this rate surpasses the rates of change of other low-elevation wetland/riparian habitats (emergent marsh, wet meadow, and riparian). Overall, the lower-elevation wetland/riparian habitats become inundated at higher rates than do upland habitats within the same inundation zones.

- The higher-elevation portions of the project study area provide important local refugia for many wetland species when lake levels are high. With increasing lake level and diminishing availability of habitat, the relative impacts of the build alternatives on these refuge areas would increase. However, large areas of the wildlife habitat that characterize the project study area are found throughout the GSLE. The wider availability of habitats makes the study area less important on a regional scale.

- In the project study area, a rise in lake level reduces the availability of wetland habitats and progressively forces birds to move inland, closer to the proposed highway alignment or elsewhere in the GSLE where suitable habitat is available. This process could potentially increase the risk of project-related impacts on birds (e.g., collisions with vehicles, noise, human disturbance). Such consequences would pertain especially to wetland species that typically use upland areas for refuge during inclement weather and for roosting. All the build alternatives would potentially compound the effects of habitat inundation by reducing the availability of associated upland habitat used by these species. However, these effects would be temporally scaled to the frequency, height, and duration of inundation in the project study area. Based on historic lake level change patterns, inundation at the higher elevations has a much lower probability of occurrence, but would have an increasingly pronounced effect as habitat availability diminishes. With recession of lake levels, these effects decrease as former habitat regenerates.

Table 4.13-8. Regional Wildlife Habitat Availability at Low and High GSL Lake Levels

	Alternative A				Alternative B			
Habitat	Area* (acres)	% of Regional Habitat at Low Lake Level	% of Regional Habitat at High Lake Level	Change in % Between High and Low Lake Level	Area* (acres)	% of Regional Habitat at Low Lake Level	% of Regional Habitat at High Lake Level	Change in % Between High and Low Lake Level
Pasture	315	0.11	0.11	0.00	351	0.12	0.12	0.00
Cropland	1	0.00	0.00	0.00	3	0.00	0.00	0.00
Scrub	267	0.13	0.13	0.00	283	0.14	0.14	0.00
Wet Meadow	52	0.05	0.08	0.02	87	0.09	0.09	0.00
Emergent Marsh	24	0.06	0.16	0.10	110	0.26	0.56	0.31
Mudflat/Pickleweed	2	0.00	0.00	0.00	12	0.01	0.00	0.00
Riparian	0	0.00	0.00	0.00	1	0.02	0.03	0.00

	Alternative C				Alternative E			
Habitat	Area* (acres)	% of Regional Habitat at Low Lake Level	% of Regional Habitat at High Lake Level	Change in % Between High and Low Lake Level	Area* (acres)	% of Regional Habitat at Low Lake Level	% of Regional Habitat at High Lake Level	Change in % Between High and Low Lake Level
Pasture	213	0.07	0.08	0.00	274	0.10	0.10	0.00
Cropland	1	0.00	0.00	0.00	0	0.00	0.00	0.00
Scrub	293	0.14	0.14	0.00	286	0.14	0.14	0.00
Wet Meadow	71	0.07	0.08	0.01	67	0.07	0.09	0.03
Emergent Marsh	86	0.20	0.39	0.19	44	0.10	0.29	0.18
Mudflat/Pickleweed	17	0.01	0.01	0.00	3	0.00	0.00	0.00
Riparian	0	0.01	0.00	-0.01	0	0.00	0.00	0.00

*Area represents acreage of each habitat that lies within the build alternative right-of-way. These acreages are based upon the regional dataset to facilitate regional-scale analysis.

Table 4.13-9 Wildlife Habitat Availability within the Project Study Area at Low and High GSL Lake Levels

	Project Study Area			Alternative A				Alternative B			
Habitat	At Low Lake Level (acres)*	At High Lake Level (acres)	Change in Available Habitat (acres) Between Low and High Lake Level	Area (acres)	% of Project Study Area Habitat at Low Lake Level	% of Project Study Area Habitat at High Lake Level	Change in % Between High and Low Lake Level	Area (acres)	% of Project Study Area Habitat at Low Lake Level	% of Project Study Area Habitat at High Lake Level	Change in % Between High and Low Lake Level
Pasture	3,372	3,371	1	315	9.333	9.336	0.004	351	10.401	10.405	0.004
Cropland	83	81	1	1	0.809	0.820	0.011	3	3.774	3.825	0.052
Scrub	2,469	2,416	53	267	10.808	11.045	0.237	283	11.465	11.717	0.251
Wet Meadow	1,203	888	315	52	4.326	5.860	1.534	87	7.266	9.842	2.577
Emergent Marsh	1,212	541	671	24	1.982	4.443	2.461	110	9.064	20.321	11.257
Mudflat/Pickleweed	341	62	279	2	0.717	3.915	3.198	12	3.453	18.861	15.408
Riparian	8	6	2	0	0.000	0.000	0.000	1	11.765	15.385	3.620

	Alternative C				Alternative E			
	Area (acres)	% of Project Study Area Habitat at Low Lake Level	% of Project Study Area Habitat at High Lake Level	Change in % Between High and Low Lake Level	Area (acres)	% of Project Study Area Habitat at Low Lake Level	% of Project Study Area Habitat at High Lake Level	Change in % Between High and Low Lake Level
Pasture	213	6.305	6.308	0.002	274	8.126	8.129	0.003
Cropland	1	0.809	0.820	0.011	0	0.539	0.546	0.007
Scrub	293	11.862	12.121	0.260	286	11.591	11.845	0.254
Wet Meadow	71	5.879	7.964	2.085	67	5.546	7.513	1.967
Emergent Marsh	86	7.101	15.919	8.818	44	3.651	8.186	4.535
Mudflat/Pickleweed	17	4.951	27.046	22.095	3	0.782	4.270	3.489
Riparian	0	2.941	3.846	0.905	0	0.000	0.000	0.000

* Acreages in this table are derived from the regional GIS dataset, which is a low-resolution dataset. Consequently, the acreages differ from those presented in project-level analyses.

- With increasing lake level, some less mobile wildlife (e.g., mice, snakes, frogs, nonflying insects) will perish if the rise is rapid unless they can move to suitable habitat above the waterline. If the rise is gradual (e.g., over several seasons), local populations will change in size in proportion to the reduced carrying capacity of the remaining habitat.

- As the lake level recedes, the effects of inundation decrease as former habitat regenerates.

4.13.3.3 Habitat Fragmentation

No-Build Alternative

Existing Conditions (2004)

The historic wildlife habitats of the GSLE along the Wasatch Front have been highly fragmented by urban, industrial, and agricultural development and numerous highways and roads. These land use changes have created a major barrier to movement by many species of wildlife from the Wasatch foothills to Great Salt Lake. However, under the existing conditions No-Build Alternative, there would be no project-related fragmentation of wildlife habitat in the project study area.

Future Conditions (2020)

As described in Section 4.13.3.1, regardless of whether the proposed action is implemented, future planned development is anticipated to occur throughout the project study area and vicinity, and this future development will be a source of future wildlife habitat fragmentation. This build-out of developable lands within the study area would result in additional loss and fragmentation of existing wildlife habitats from urban/industrial development and construction of associated roads. Under this scenario, most of the habitat changes would result from direct habitat loss as large blocks of existing habitat are converted to developed land. The roads associated with these developments would mostly be contained within these converted blocks, although some peripheral and connector roads would also likely be built. Many of the existing large habitat patches, as well as medium and small patches, would be lost, but it is not known to what extent these existing habitat patches would be fragmented into smaller patches.

Build Alternatives

All the build alternatives would dissect the matrix of wildlife habitats in the project study area into east and west areas. The area east of the proposed rights-of-way is largely modified by development and is experiencing continued rapid urban growth. Projected future growth in this area is likely to result in complete build-out. This area, however, does not appear to support any ecologically unique habitats that are not still represented west of the proposed alignments. The area west of the project rights-of-way retains a greater proportion of wetlands and wildlife habitats. This primary fragmentation effect of the project is not expected to reduce the diversity of habitat types within the project study area.

In addition to this primary fragmentation effect, all the build alternatives would result in the finer scale fragmentation of many existing wildlife habitat patches within the project study area. Each build alternative would result in a general decrease in the size of habitat patches available to wildlife in the area and a decrease in the number of larger patches, particularly in upland habitats. There would be a declining trend in the total amount of habitat in most size classes in most habitat types, with the exception of wetland habitats in the <0.4-ha (<1-ac) size class.

These changes would likely result in a number of effects on wildlife habitat, including reduction in habitat patch size, increase in the perimeter-to-area ratio of patches and associated edge effects, reduced connectivity between habitat patches, and introduction of barriers to dispersal for some species. Reduced habitat patch size can decrease the resources available to wildlife species, in turn reducing the local carrying capacity for those species. Moreover, smaller habitat patches are typically characterized by an increase in the length of the patch edge relative to the patch area, as well as a reduction in the distance from the edge to the center of the patch. These changes can favor a reduction in the ecological buffering capacity of the patch for species sensitive to detrimental factors outside the patch (e.g., microclimate, competition from other species, predation, noise and human disturbance, pollution, and highway mortality). Construction of any build alternative could also introduce a physical barrier to movement and dispersal of some species, especially those with low dispersal capabilities including small mammals, reptiles, and amphibians.

A quantitative assessment of the habitat fragmentation impacts for each alternative is provided in Table 4.13-10.

The overall effects of construction of the Legacy Parkway project on habitat fragmentation are summarized below.

- Alternatives A and E would have the least impact on fragmentation across the habitat types. Alternative A is located more to the east and would reduce the amount of habitat isolated between the right-of-way and existing development east of the alignment.

- The number of upland patches would increase under all build alternatives. Alternatives A and E would cause the least increase in the number of upland patches. Alternative B would cause the largest increase in the number of upland patches, predominantly in the smaller patch sizes. The changes in mean patch size reflect the same pattern.

- The number of wetland patches would increase/riparian under all build alternatives. Alternative E would cause the least increase in the number of wetland/riparian patches. Alternative A would cause the highest increase, but would result in very little change in mean patch size.

- In the area east of the proposed alignments, there are no unique or unusually valuable habitat types, either terrestrial or wetland/riparian, that would not still be represented in the remaining area west of the alignments. This primary fragmentation effect of the project would not therefore reduce the diversity of habitat types in the project study area or in the GSLE in general.

- The fragmentation effects of the build alternatives on local wildlife populations would be additive to existing levels of fragmentation and all reasonably foreseeable future fragmentation that is likely to occur in the area (see Section 4.13.3.3, *Cumulative Effects*). Physical segregation of upland habitats from wetlands in the project study area could potentially have an adverse regional effect on migratory shorebirds and waterfowl that traditionally use both habitats in the area.

Because the existing habitat in the project study area is already highly fragmented by a diversity of human activities (e.g., agriculture, fences, roads, urban development), the additional fragmentation effects that the build alternatives would have on wildlife would likely be less than but additive to the effects of direct habitat loss. The fragmentation analysis of the build alternatives shows detectable variation among alternatives, but the differences are small and biologically indistinguishable at the scale of this analysis. The results of the assessment of the effects of direct habitat loss on species of concern indicate that while local populations of some species would be affected by loss of individuals and/or habitat, these losses

Table 4.13-10 Summary of Habitat Fragmentation by Habitat Category Resulting from Build Alternatives

Habitat Category	Alternative		Number of Patches in Each Size Class					**Total Number of Patches**	Summary Statistics (acres)	
			<1	1–10	10–50	50–100	>100		Mean Patch Size	Median Patch Size
Upland	No Action		147	70	40	13	12	**282**	21.20	0.79
	Alternative A	Patches Fragmented	10	9	15	7	10			
		Total Patches	175	97	46	13	13	**344**	15.93	0.90
	Alternative B	Patches Fragmented	6	16	22	10	11			
		Total Patches	196	97	59	14	12	**378**	14.05	0.84
	Alternative C	Patches Fragmented	9	14	17	8	10			
		Total Patches	181	100	50	11	13	**355**	15.46	0.94
	Alternative E	Patches Fragmented	7	8	12	7	10			
		Total Patches	182	91	47	17	11	**348**	15.76	0.79
Wetlands	No Action		464	227	39	5	2	**737**	3.17	0.60
	Alternative A	Patches Fragmented	38	57	9	1	1			
		Total Patches	494	218	36	5	2	**755**	2.96	0.48
	Alternative B	Patches Fragmented	78	78	15	3	2			
		Total Patches	500	206	39	6	1	**752**	2.88	0.48
	Alternative C	Patches Fragmented	70	74	13	2	1			
		Total Patches	498	206	36	7	1	**748**	2.93	0.45
	Alternative E	Patches Fragmented	55	65	7	1	1			
		Total Patches	486	208	39	5	2	**740**	3.01	0.45

Habitat Category	Alternative		Number of Patches in Each Size Class					**Total Number of Patches**	Summary Statistics (acres)	
			<1	1–10	10–50	50–100	>100		Mean Patch Size	Median Patch Size
Open Water	No Action		25	12	4	1	1	**43**	7.27	0.69
	Alternative A	Patches Fragmented	2		2	1	0			
		Total Patches	28	15	3	1	1	**48**	6.31	0.61
	Alternative B	Patches Fragmented	1	1	2	1	0			
		Total Patches	28	14	4	0	1	**47**	6.09	0.74
	Alternative C	Patches Fragmented	2	0	2	0	0			
		Total Patches	28	14	4	1	1	**48**	6.31	0.64
	Alternative E	Patches Fragmented	2	0	2	1	0			
		Total Patches	26	14	4	1	1	**46**	6.41	0.69

alone would not result in a notable change in the long-term viability of these species in the GSLE. Similarly, the contributory effects of habitat fragmentation by the build alternatives would not likely result in any detectable change in long-term population viability of any species of concern in the area.

4.13.3.4 Air Quality

No-Build Alternative

Existing Conditions (2004)

Under the existing conditions No-Build Alternative, there would be no project-related air quality impacts that would affect wildlife habitat in the project study area.

Future Conditions (2020)

If none of the build alternatives is implemented, proposed future development could affect air quality in the project and regional study areas, although the nature and timing of these projects and their relative effect on air quality are not known at this time.

Build Alternatives

Section 4.8, *Air Quality*, describes the existing and projected air quality conditions in the project study area. Any effect on wildlife habitat quality resulting from changes in air quality would be similar for all alternatives. Virtually nothing is known about how changes in air quality affect wildlife. Existing air quality standards established for human health provide a baseline standard for potential effects on wildlife. Temperature inversions and local concentrations of air pollutants would likely effect humans and wildlife comparably, although differences in physiology (e.g., higher metabolism and proportionally larger alveolar lung/air sac surface area in birds) may exacerbate some effects in some species. Animals are exposed to air pollutants through the inhalation of gases or small particles and the absorption of gases through the skin. Amphibians and soft-bodied invertebrates (e.g., earthworms) are most susceptible to be affected by the absorption of air pollutants. An individual's response to a pollutant varies greatly and depends on the pollutant involved, the duration and time of exposure, and the amount taken up by the animal. Pollutant fallout onto vegetation and existing water bodies in the project study area could have local effects on plant productivity, ecotoxicity of plants used for food by wildlife, and water quality (see below). The overall potential effects of critiria air pollutants on resident humans and presumably wildlife populations would likely include the following, as described by pollutant.

- **Nitrogen dioxide.** Lung damage, illnesses of breathing passages and lungs. Nitrogen dioxide is an ingredient of acid rain, which can damage vegetation and water quality for amphibians, fish, and other aquatic organisms.

- **Volatile organic compounds (VOCs).** VOCs include chemicals such as benzene, toluene, methylene chloride, and methyl chloroform. They react with nitrous oxides (NO_x) to form ozone, which can cause breathing problems, reduce lung function, irritate eyes and respiratory passages, reduce resistance to infections, and possibly speed up aging of lung tissue. VOCs can also cause cancer, and ozone can damage vegetation.

- **Carbon monoxide.** Reduces the ability of blood to bring oxygen to body cells and tissues; it is particularly hazardous to individuals that have damaged lungs or breathing passages. Can exacerbate problems created by VOCs, NO_xs, and ozone.

- **Lead.** Can cause brain and other nervous system damage. Small and young individuals are at special risk. Some lead-containing chemicals cause cancer in animals. Lead also causes digestive problems.

- **Particulate matter (PM).** Can cause respiratory passage irritation, lung damage, and bronchitis.

Analysis of future (2020) air quality conditions indicates that CO and PM will likely be higher in the study area under the no build conditions. Ozone is not expected to cause new exceedances of the National Ambient Air Quality Standards (Utah Department of Environmental Quality, Division of Air Quality 1997), but the potential effects of ozone on wildlife in the study area are unknown. Similarly, future concentrations of nitrogen dioxide, sulfur dioxide, and lead are not expected to change from existing conditions in the project study area, but their effects on wildlife are unknown. Any effects on wildlife and the quality of wildlife habitat resulting from changes in air quality would be similar under all build alternatives.

4.13.3.5 Water Quality

No-Build Alternative

Existing Conditions (2004)

Under the existing conditions No-Build Alternative, there would be no project-related impacts on water quality that would affect wildlife habitat in the project study area.

Future Conditions (2020)

If none of the build alternatives is implemented, proposed future development could effect water quality in the project study area, although the nature and timing of these projects and their relative effect on water quality are not known at this time.

Build Alternatives

All the build alternatives would result in similar increases in highway runoff contaminants. Section 4.10, *Water Quality*, and the wildlife technical memorandum provide a list of the primary contaminants in the project study area and their sources. The primary contaminants are not the only contaminants present in highway runoff, but they are the contaminants of primary concern regarding effects on water quality (Moellmer 2003). The primary contaminants reduce water quality and potentially affect wildlife in a variety of ways (Forman et al. 2003). Because of the increased transportability of many of these contaminants in aquatic systems, wetlands adjacent to the highway would most likely be the areas most affected. However, the design of the Legacy Parkway project includes vegetated filter strips in the highway meridian and floodplain equalization culverts, surface water conveyances, and groundwater conveyances at strategic points of runoff concentration; these features would minimize exposure to the primary contaminants in wildlife habitats adjacent to the highway. Any adverse effects of these contaminants would be restricted to local concentration areas where these features are present.

Hazardous waste or other chemical spills in wetland habitats could potentially have catastrophic effects on wildlife, especially when lake levels are high. Existing UDOT and FHWA/EPA requirements for safe transport of these materials and emergency spill containment programs minimize these effects under most conditions, but unavoidable accidents do occur. In the State of Utah during the 10-year period from 1994 to 2003, an average of 215 highway incidents involving hazardous materials occurred per year, but only

6.7 of these incidents on average were considered serious each year.[4] Most effects of these incidents are generally localized and would consequently vary under different build alternatives, although they would likely be the worst in aquatic habitats. The Alternative B alignment, which crosses the most wetland habitat, would be most susceptible to adverse effects on wildlife resulting from an accidental hazardous materials spill. Because the Alternative A and Alternative E alignments are located in more upland areas, they would be somewhat less susceptible than the other alternatives.

4.13.3.6 Wetland Hydrology

No-Build Alternative

Existing Conditions (2004)

Under the existing conditions No-Build Alternative, there would be no project-related impacts on wetland hydrology that would affect wildlife habitat in the project study area.

Future Conditions (2020)

If none of the build alternatives is implemented, proposed future development could affect wetland hydrology in the project study areas, although the nature and timing of these projects and their relative effect on wetland hydrology are not known at this time.

Build Alternatives

In 2001, 1.5 to 1.8 m (5 to 6 ft) of fill was placed along the Alternative E alignment between I-215 and 1500 South, and up to 6 m (20 ft) was placed in the I-215 interchange area. To determine empirically how these activities would affect local wetland hydrology, a network of piezometers (soil water-pressure gauges) were installed parallel to the fill areas in 2001 (Forster and Neff 2002). This study revealed that the groundwater level in the area is very shallow; the groundwater supporting the wetlands is derived largely from vertical flow of water from deeper aquifers rather than from precipitation. The study concluded that the water supply to wetlands in the project study area was not likely to be seriously affected by highway construction, with the exception of areas immediately adjacent to the right-of-way. New drainage features proposed for Legacy Parkway, including groundwater conveyance structures (see Section 4.10, *Water Quality*), would equalize groundwater when the groundwater elevation reaches a given level, effectively mimicking the westward flow of shallow water beneath the right-of-way. Consequently, no adverse impacts on local wetland hydrology are anticipated from implementation of the Legacy Parkway project under any build alternative.

[4] A serious incident is defined as a fatality or major injury caused by the release of a hazardous material, the evacuation of 25 or more persons as a result of release of a hazardous material or exposure to fire, a release or exposure to fire which results in the closure of a major transportation artery, the alteration of an aircraft flight plan or operation, the release of radioactive materials from Type B packaging, the release of more than 11.9 gallons or 88.2 pounds of a severe marine pollutant, or the release of a bulk quantity (more than 119 gallons or 882 pounds) of a hazardous material (http://hazmat.dot.gov/files/hazmat/hmisframe.htm).

4.13.3.7 Wildlife Mortality

No-Build Alternative

Existing Conditions (2004)

Under the existing conditions No-Build Alternative, there would be no project-related wildlife mortality.

Future Conditions (2020)

If none of the build alternatives is implemented, proposed future development could occur such that wildlife mortality in the project study area could increase. However, the nature, timing, and extent of these impacts are not quantifiable at this time.

Build Alternatives

UDOT records of documented roadkill are nonspecific and generally represent only large mammals (e.g., deer), not smaller species. This information is of limited value in evaluating the full spectrum of species affected by road-related mortality.

With increased vehicular traffic in the project study area under all the build alternatives, road mortality of individuals of some species—particularly birds flying between habitat patches on different sides of the highway and dispersing amphibians, reptiles, and small mammals—is likely to increase. This would be particularly evident during periods of high lake level when waterfowl and shorebirds would be more likely to use upland habitats adjacent to the highway. The three fences proposed to border the highway right-of-way would help minimize these impacts by forcing birds to take higher flight paths and deterring cross-highway movement of most species. Numerous drainage culverts proposed to be installed under the highway would also facilitate wildlife movement without road mortality. The effects of highway-related road mortality of wildlife would likely be similar under all the build alternatives

4.13.3.8 Artificial Landscaping

No-Build Alternative

Existing Conditions (2004)

Under the existing conditions No-Build Alternative, there would be change in the extent of artificial landscaping in the project study area.

Future Conditions (2020)

If none of the build alternatives is implemented, proposed future development could increase the amount of artificial landscaping in the project study area, although the nature and extent of such changes are not known at this time.

Build Alternatives

Artificial landscaping often attracts a diversity of species, particularly birds and small mammals (Forman et al. 2003). Migrating passerine birds frequently rest and forage on insects and fruit in landscaped areas. Fruit- and seed-producing trees and shrubs are especially attractive to these species. Planted trees also attract a variety of raptors, particularly hawks, falcons, and owls, which use them for night/day roosting

and nesting sites. Raptors perch in these trees to hunt for rodents, rabbits, and other prey in adjacent fields. Some small mammals may also find suitable food and shelter in landscaped areas associated with highways (Forman et al. 2002).

According to the Landscape Baseline Plan in the Final EIS, the type and design of plantings in the artificial landscaping would be similar under all build alternatives. The new landscaping would potentially have both beneficial and adverse effects on wildlife species that currently inhabit the project study area. These effects would be similar under all build alternatives. Beneficial effects would include the introduction of new trees, shrubs, and herbaceous vegetation that would provide foraging, roosting, and nesting habitats for birds and other wildlife. Adverse effects could potentially occur from the proximity of the vegetation to the highway (Forman et al. 2002). Wildlife mortality due to collisions with vehicles could potentially increase because a variety of species would be attracted to this roadside vegetation for cover and food (see Section 4.13.3.7, *Wildlife Mortality*, above). Resident owls, migrating raptors, passerine birds, and some mammals could find landscaped areas especially attractive. The artificial landscaping would also contribute to both the local and regional cumulative effects on wildlife from all new urban landscaping.

4.13.3.9 Artificial Light Disturbance

No-Build Alternative

Existing Conditions (2004)

Under the existing conditions No-Build Alternative, there would be no project-related change in the amount of artificial lighting in the project study area.

Future Conditions (2020)

If none of the build alternatives is implemented, proposed future development could increase the amount of artificial lighting, which could affect wildlife habitat in the project study area. However, the nature and extent of such changes are not known at this time.

Build Alternatives

All build alternatives would contribute minimally to the cumulative effects on wildlife from increased artificial lighting within the project and regional study areas. New artificial lighting associated with the proposed action would be associated with localized street lamps at on-ramps and off-ramps, luminaries (lighting of highway signs), and headlights. When the lake level is high, many migratory birds are likely to use the wetlands and uplands close to the highway. During periods of low visibility, the lights at intersections could attract migratory birds that become disoriented. Under such conditions, birds could collide with moving vehicles or light poles. While such bird mortality events have been documented in the Great Salt Lake Basin and elsewhere (Jones & Stokes 2004), adverse low-visibility weather is infrequent in the project study area.

Overall, the proposed action would add a minimal amount of light to existing conditions. Potential effects of light on birds, amphibians, mammals, fish, aquatic invertebrates, and terrestrial invertebrates also are likely to be minimal (Jones & Stokes 2004). Such effects would be the same under all build alternatives.

4.13.3.10 Highway Noise Disturbance

No-Build Alternative

Existing Conditions (2004)

Under the existing conditions No-Build Alternative, there would be no project-related change in the level of noise disturbance in the project study area.

Future Conditions (2020)

If none of the build alternatives is constructed, future planned build-out of the project study area will still occur and will likely cause noise to rise above existing levels. Potential future growth scenarios that exclude the proposed action and related sources of noise disturbance are described in detail in the wildlife technical memorandum. Typical noise levels for progressive phases of development are summarized below (Cowan 1994).

- Rural 40–48 decibels (dB)
- Small town and quiet suburban 45–55 dB
- Suburban and low-density urban 52–60 dB
- Urban area 58–67 dB
- Dense urban area with heavy traffic 65–74 dB
- Downtown in large city 72–80 dB

It is anticipated that under the future conditions No-Build Alternative, noise in the project study area will increase from that typical of the lower noise levels (rural) to those of some of the higher noise levels, such as urban and dense urban with heavy traffic. Noise sources would contribute to the future noise environment of the project study area in proportion to the temporal phasing and geographic extent of each type of development.

Build Alternatives

The modeled areal extent of potential highway noise effects on wildlife habitat shows differences among alternatives in each noise level contour interval relative to the position of the alignment and the spatial distribution of wildlife habitat patches. The total area of wildlife habitat exposed to the different noise levels within the area analyzed is summarized in Table 4.13-11. These estimates, however, are for reference comparison of alternatives only. The noise level contours generated by the FHWA TNM have not been tested for accuracy beyond 396 m (1,300 ft). The locations of contours beyond this distance are projected estimates only and could vary significantly depending on existing background noise, atmospheric conditions, and substrate type. The noise levels shown within each contour interval, particularly those farthest from the proposed highway alignments, are likely to have only minimal, if any, effect on birds if background wind noise is prevalent (Jones & Stokes 2004).

Analysis of the total area of wildlife habitat that would be affected by highway noise in each noise contour interval showed an increase of between 42 percent and 61 percent in the 60+ dB impact area,

depending on the alternative; an increase of between 19 percent and 58 percent in the 55 to 60 dB area; and an increase of between 27 percent and 47 percent in the 50 to 55 dB area. The noise level interval of 45 to 50 dB shows slight decreases in the area affected within the analysis area (Jones & Stokes 2004).

Table 4.13-11 Acres of Wildlife Habitat Exposed to Noise under Build Alternatives

	Noise Level Interval (acres exposed to noise level)			
Alternative	>/= 60 dB	>/= 55 < 60 dB	>/= 50 < 55 dB	>/= 45 < 50 dB
No-Build (Existing Conditions)	6,908	5,632	8,438	26,551
Alternative A	10,501	7,848	10,726	25,333
Alternative B	11,124	8,884	12,462	25,582
Alternative C	9,814	8,041	11,669	25,298
Alternative E	10,670	6,686	11,985	25,057

Birds use vocal signals to communicate information on many aspects of their status and behavior that are important for survival, social cohesion, and reproductive success. Songs and calls function to identify the caller's species, sex, age (experienced adult vs. juvenile), territorial status, and motivational state (e.g., aggressive, submissive); to attract mates and repel rivals; to stimulate egg laying and synchronize hatching; to strengthen pair bonds; to signal change in domestic duties; to entice young to eat; and to warn of predators, maintain flock cohesion, and incite group mobbing action against intruders. Many species have complex vocal repertoires of songs and calls that can vary subtly in many ways, including frequency and timing of use, intensity (amplitude variation), and syntax (order of signal presentation). Clear transmission and reception of these signals and the subtleties of their variation are critical for maintaining the normal biological and ecological function of each species.

Highway noise typically is neither loud nor startling enough to cause marked stress effects on wildlife (Saigul-Klin et al. 1977). However, highway noise can mask important vocal communication and natural sounds important for mate attraction, social cohesion, predator avoidance, prey detection, navigation, and other basic behaviors. Masking of vocal communication occurs when highway noise interferes with signal transmission by swamping out the signal or parts of the signal (e.g., low-amplitude elements of a song) or degrading the signal to a point at which it is no longer recognizable to other members of a species. When such masking or degradation occurs, the normal communication and associated biological functions of the species can be impaired. Depending on the degree of masking and the particular species' capacity to adapt (e.g., to sing louder), masking can potentially result in abandonment of an area or reduced productivity and survival. Signal masking may result in the inability of males to effectively attract mates and/or repel territorial rivals. Excess energy may be required to physically maintain a territory and to sing louder. Predator warning and parent-offspring signals can be impaired. All these factors could potentially result in reduced survival and reproductive success of affected populations adjacent to the highway.

Traffic noise associated with all the build alternatives could potentially mask vocal communication among some birds. These masking effects are highly species-specific and depend largely on the unique bioacoustics characteristics of each species' vocal signals. The potential impact on American bitterns (*Botaurus lentiginosus*) represents the greatest distance for possible masking effects (4.8 km [3 mi]; see Appendix E of the wildlife technical memorandum), but this species is only a rare summer visitant to the GSLE that has not been observed in the project study area. Other species such as black-necked stilts (*Himantopus mexicanus*), which are common breeders within the project study area, would only be minimally affected by traffic noise close to the highway (76 m [250 ft]; see Appendix E of the wildlife

technical memorandum). For territorial songbirds such as Brewer's sparrows (*Spizella breweri*), noise would have a potential masking effect at intermediate distances. A detailed analysis of noise impacts on individual species is presented in the wildlife technical memorandum.

Potential Effects of Highway Noise on Species of Concern

Nine bird species of concern (bald eagle [*Haliaeetus leucocephalus*], Swainson's hawk [*Buteo swainsoni*], peregrine falcon [*Falco peregrinus*], prairie falcon [*Falco mexicanus*], burrowing owl [*Athene cunicularia*], short-eared owl [*Asio flammeus*], Wilson's phalarope [*Phalaropus tricolor*], bobolink [*Dolichonyx oryzivorus*], and American avocet [*Recurvirostra americana*]) are known to breed in or near the project study area.[5] The potential effects on these species of highway noise that would result from the build alternatives are described in detail in the wildlife technical memorandum. Based on a minimal vocal signal amplitude analysis, the potential effects distance of highway noise for bird species of concern could extend from less than 38 m (125 ft) to much greater than 915 m (3,000 ft) from the highway. For example, for male bobolinks to transmit their complete territorial song they would have to be farther than 900 m (2,953 ft) from the highway to enable un-masked transmission of minimal signals in those songs. Similarly, Wilson's phalaropes would need to be more than 600 m (1,968 ft) from the highway to ensure their low amplitude vocal signals could be transmitted to neighboring nesting phalaropes. Burrowing owls would need to be 305 m (1000 ft) or more from the highway to avoid noise masking of inter-territorial communication.

It is not known exactly how highway noise would affect the local density and reproductive capacity of individual species of concern currently using habitats in the project study area. Highly noise-sensitive species may leave the affected areas; others may experience reduced reproductive success due to poor communication or reduced ability to detect predators and potential prey. Published research on highway noise impacts on grassland bird species in acoustic habitat (Reijnen et al. 1995) similar to that found in the project study area shows reduced bird densities in response to traffic noise levels higher than 45 dB(A). Using 45-dB(A) as an outward-limit benchmark of effects, the area potentially affected by noise from the proposed action could extend on average 4 km (2.5 mi) from the highway (Jones & Stokes 2004).

4.13.3.11 Human Disturbance

No-Build Alternative

Existing Conditions (2004)

Under the existing conditions No-Build Alternative, there would be no project-related change in the level of human disturbance in the project study area.

Future Conditions (2020)

If none of the build alternatives is implemented, proposed future development could increase the level of human disturbance in the project study area, although the nature and extent of such effects are not known at this time.

[5] Table 4.13-1 above lists the special-status species known to occur or potentially occurring in the project study area. Section 4.15, *Threatened and Endangered Species*, further discusses impacts on species listed, proposed for listing, or candidates for listing, under the federal Endangered Species Act, and species listed on the Utah Sensitive Species List as wildlife species of concern.

Build Alternatives

Access of humans and domestic pets (especially cats) to wildlife habitats adjacent to the highway could result in some level of habitat degradation and wildlife mortality. The existing design for the Legacy Parkway project includes three fences that would restrict access to sensitive wildlife areas and should minimize these effects. Localized disturbance from human use of the proposed trail corridor is also possible, but such adverse effects would likely be secondary to traffic noise effects. Alternative B, which crosses the largest extent of wetland habitats (Figure 4.13-4), would probably cause the greatest wildlife disturbance, particularly when the lake level is high. Because Alternatives A and E are located in more upland alignments than Alternatives B and C, they would probably disturb wildlife to a lesser extent. However, many wildlife species, particularly shorebirds, use these upland areas. Fencing of the highway right-of-way and protection of the Legacy Nature Preserve would reduce human impacts under all build alternatives.

4.13.3.12 Potential Effects on Species of Concern

As described in Section 4.13.2.3, *Existing Wildlife in Project Study Area*, several species analyzed in this section are protected under one or more federal or state wildlife protection law (e.g, the federal Endangered Species Act, the Migratory Bird Treaty Act, the Fish and Wildlife Conservation Act, Utah Administrative Rule R657-48). Table 4.13-2 summarizes the seasonal occurrence and abundance, migratory and breeding status, and habitat use patterns of these species within the GSLE and the project study area. This information is also described in more detail in the wildlife technical memorandum.

No-Build Alternative

Existing Conditions

Under the existing conditions No-Build Alternative, there would be no project-related impacts on special-status species. Habitat use and seasonal occurrence of special-status species in the study area would remain similar to that represented in Table 4.13-2.

Future Conditions (2020)

As described in Section 4.13.3.1, even without construction of Legacy Parkway, reasonably foreseeable future land use changes would add to the historic loss of wildlife habitat. Table 4.13-6 illustrates the potential impact of future development on wetland/wildlife habitat, both with and without the proposed build alternatives. Future losses of wildlife habitat would likely adversely affect special-status species in the study area, although the relative extent is not known.

Build Alternatives

The principal potential effects on wildlife species of concern would be similar under all the build alternatives (Jones & Stokes 2004). These effects could include direct loss of foraging habitat, disturbance of nesting sites, and masking of vocal communication near the highway. The magnitude of these effects would be proportional to the level that individual species use each habitat. The effects of the build alternatives on these species are directly related to the amount of direct habitat loss. The project could result in a reduction in population of some species of concern within the project study area, but the overall impact of these losses alone would not affect the long-term viability of any of these species in the GSLE.

The following discussion provides information on how the proposed action could affect habitats for species of concern, based on input received from USFWS, EPA, and Utah Department of Natural Resources (UDNR), Division of Wildlife Resources (UDWR). The information presented below and correspondence from USFWS (letter dated December 3, 2003) reaffirms the terms and conditions in the original biological opinion (BO), formal Section 7 consultation under the federal Endangered Species Act (ESA) for the Legacy Parkway project (U.S. Fish and Wildlife Service 2003b). Projected losses of individual habitats under each build alternative are presented in Table 4.13-6. These effects are summarized below; more detailed analyses are presented in the wildlife technical memorandum. Effects on species listed, proposed for listing, or candidates for listing under the federal ESA and wildlife species of special concern on the Utah Sensitive Species List are further discussed in Section 4.15, *Threatened and Endangered Species*.

Federally Listed Species

Bald Eagle (Status: Threatened)

Breeding. One active nest exists in an artificial nesting structure on state-owned land within about 1.6 km (1 mi) of the project study area. This is the only known nesting location in northern Utah, and one of only four known in the state (Utah Division of Wildlife Resources 2002). This nest is within about 1 km (0.6 mi) of a regularly traveled country road, and the nesting pair is accustomed to some degree of human noise and disturbance (U.S. Fish and Wildlife Service 1999a). If this nest is active in the future, the pair could experience some noise disturbance from construction and operation of the Legacy Parkway project. Such disturbance could result in temporary or permanent abandonment of the site by the nesting eagles, resulting in a loss of productivity of up to two eggs or young per year during the construction period, and possibly during operation (if the nest site is abandoned permanently) (U.S. Fish and Wildlife Service 1999a). However, many raptor species nest in close proximity to highways, and they appear to habituate to highway noise. The actual effects of highway noise on this nesting pair cannot be determined without onsite analysis, but the effects are expected to be similar under all build alternatives.

Raptors are often killed as a result of collisions with moving vehicles. Bald eagles often forage on carrion, and they may be attracted to highway corridors to forage on carcasses of mule deer and other large mammals and birds. The Legacy Parkway project could provide an additional source of carrion and could increase the potential for bald eagle collisions with vehicles, especially for inexperienced juvenile birds. Raptor mortality along roadways in Utah is not well documented, but 15 eagles were reported killed in Carbon and Emery Counties in 1996 and 1997, probably due to collisions with coal trucks (U.S. Fish and Wildlife Service 1999a). Direct mortality effects on bald eagles would likely be the same under all build alternatives.

Wintering. Bald eagles are common winter visitors to the project study area. Four active roost sites exist near the project study area at distances of 2.3 km (1.4 mi), 2.1 km (1.3 mi), 1.6 km (1.0 mi), and 0.2 km (0.1 mi). Some of these roost sites could be disturbed or abandoned during construction of any build alternative. The roost site within 1 km (0.6 mi) of the project study area would be the most likely to be adversely affected (U.S. Fish and Wildlife Service 1999a).

In the project study area, bald eagles primarily forage in the following habitats: emergent marsh, wet meadow, mudflat/pickleweed, pasture, and salt desert scrub. All the build alternatives would result in direct loss and fragmentation of suitable bald eagle foraging habitat. Alternative A would result in 184.6 ha (456.2 ac) of habitat loss; Alternative B in 235.7 ha (582.4 ac); Alternative C in 207.1 ha (511.8 ac); and Alternative E in 190.8 ha (471.5 ac). These direct habitat losses would contribute to the marked cumulative reduction of foraging habitat for this species in the project study area. However, according to the regional land use dataset analysis (Table 4.13-6), these losses would affect less than 0.11 percent of

the overall extent of these habitats in the regional study area. As described above, wintering bald eagles scavaging road-kill along the highway would also be subject to increased potential road mortality from collisions with vehicles.

Federally Delisted Species

Peregrine Falcon

Breeding. Two nesting eyries exist in the project study area in abandoned Common Raven nests on 340 kV electric power transmission support towers; the same nesting pair uses both nests (U.S. Fish and Wildlife Service 1999a). This nesting pair is accustomed to some disturbance because their eyries are within 1.6 km (1 mi) of I-15 and within 0.2 km (0.1 mi) of a dike that supports a well-traveled, unsurfaced road in the FBWMA (U.S. Fish and Wildlife Service 1999a).

Raptors may be killed by collisions with moving vehicles. Peregrine falcons may forage for bird prey along highway corridors. The overall proximity of the Legacy Parkway project to the existing eyries increases the potential for peregrine falcon collisions with vehicles, especially for inexperienced juvenile birds (U.S. Fish and Wildlife Service 1999a). Direct mortality effects on peregrine falcons would probably be the same under all build alternatives.

Wintering. In winter, peregrine falcons from northern breeding populations are rare transients in the GSLE (U.S. Fish and Wildlife Service 1999a). They primarily forage in the following habitats in the project study area: emergent marsh, wet meadow, mudflat/pickleweed, pasture, salt desert scrub, and developed areas. All build alternatives would result in direct loss and fragmentation of suitable wetland and upland peregrine falcon foraging habitat at the same levels as those described above for bald eagle.

Wintering peregrine falcons forage over large areas and are not dependent on individual habitat patches that may be lost during highway construction. Regional growth projected to occur could lead to further loss and fragmentation of existing peregrine falcon foraging areas. Direct impacts of the Legacy Parkway project would affect less than 0.11 percent of the overall extent of these habitats in the regional study area (Table 4.13-6). These losses would contribute to the overall cumulative reduction of suitable foraging habitat for this species in this area.

Federal Candidate Species

Yellow-Billed Cuckoo

Yellow-billed cuckoos (*Coccyzus americanus*) are rare migrants in the GSLE; they have low potential to occur in the project study area because of limited suitable riparian breeding habitat (Table 4.13-2). Recent surveys of riparian habitats in the project region recorded only three yellow-billed cuckoos during 7,000 survey hours (E. Owens, cited in U.S. Fish and Wildlife Service 2002). Recent documentation of a yellow-billed cuckoo in a peregrine falcon nest in Salt Lake City, however, suggests that this species still migrates through the GSLE and all remnant riparian habitats, including those available in the project study area, could potentially provide suitable roosting and foraging habitat for yellow-billed cuckoos. All build alternatives would result in direct loss of less than 2.3 ha (5.6 ac) of riparian habitat (Figure 4.13-6). Howe (1986 in Hughes 1999) reported densities of yellow-billed cuckoo in appropriate habitat in New Mexico ranging from 1 to 15 pairs per ha (0.4 to 6.1 pairs per acre). In suitable habitat, the area lost to construction of the proposed action could potentially support one to several pairs of yellow-billed cuckoos. However, the riparian habitats in the project study area, which include areas of sparsely distributed Russian olive trees (*Elaeagnus angustifolius*), is generally degraded and of low suitability for this species. As indicated by the low number of birds detected in regional surveys mentioned above, the

affected area is not likely to provide good habitat for this species. The habitat losses caused by the proposed action are unlikely to have any adverse effects on this rare transient species.

Conservation Agreement Species

Northern Goshawk

Northern goshawks (*Accipiter gentiles)* have not been observed in the project study area. However, some studies on the seasonal movement and habitat use patterns suggest that goshawks could potentially use this area during the winter. Moreover, the project study area supports prey species that could sustain wintering individuals that move through the GSLE. The few wintering individuals that may occur in this region probably range over a large area with a variety of grassland and shrubland habitats. Direct habitat loss under any build alternative would not likely affect this species.

U.S. Fish and Wildlife Service Birds of Conservation Concern

Swainson's Hawk

Swainson's hawks are considered rare summer breeders in the project study area, where they have been known to nest in riparian habitat. They have been observed in the areas delineated by the proposed Legacy Parkway rights-of-way. Favorable foraging conditions are common in the agricultural areas (primarily alfalfa) in and adjacent to the project study area; other crops, such as sod, corn, and wheat, also provide foraging habitat. Alternatives A and E would result in direct loss of 1.6 ha (3.9 ac) of riparian habitat, Alternative B in the loss of 2.3 ha (5.6 ac), and Alternative C in the loss of 2.0 ha (4.9 ac) (Figure 4.13-6).

Reported nesting densities for Swainson's hawks in areas with either a mixture of native habitat and agriculture or a high diversity of irrigated crops include 30.23 pairs/100 km^2 (0.001 pair/ac) in central California (England et al. 1995 in England et al. 1997); 23.1 pairs/100 km^2 (0.0009 pairs/ac) in Hanna, Alberta (Schmutz 1987); 18.0 pairs/100 km^2 (0.0007 pairs/ac) in Kindersley, Saskatchewan (Houston in England et al. 1997); and 9.5 pairs/100 km^2 (0.0003 pairs/ac) in Los Medanos, New Mexico (Bednarz et al. 1990). In northeastern California, the overall density of Swainson's hawk territories was 20 pairs/100 km^2 (0.0008 pairs/acre), but varied from 5.7 pairs/100 km^2 (0.0002 pairs/ac) in irrigated pasture to 36.8 pairs/100 km^2 (0.0014 pairs/ac) in areas dominated by alfalfa (Woodbridge et al. 1995a in England et al. 1997). These data indicate that the riparian area that would be lost under any build alternative would support at most only one pair of Swainson's hawk. Site-specific surveys would be necessary prior to construction to determine if any active Swainson's hawk nest is present within the project study area and whether any build alternative would disturb that nest.

All the build alternatives would also result in a direct loss of foraging habitat for this species. Alternative A would result in 55.6 ha (137.4 ac) of cropland habitat loss; Alternative B in 101.1 ha (249.8 ac]); Alternative C in 48.4 ha (119.6 ac); and Alternative E in 52.9 ha (130.7 ac). Based on radiotelemetry survey data in central California, Swainson's hawks forage over areas ranging between 325 ha (800 ac) and 8,500 ha (21,000 ac) (approx. average 2,750 ha [6,800 ac]; Estep pers. comm. 2004). The foraging area that would be lost under each build alternative would comprise approximately 0.6 to 31 percent of the foraging range of a single pair, depending on the available habitat in the project study area. Loss of this habitat would result in that pair shifting to new foraging areas in the GSLE. The Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6).

Ferruginous Hawk

Ferruginous hawks (*Buteo regalis)* have not been observed in the project study area but could potentially occur there while moving in or through the GSLE. Suitable habitats in the project study area include wet meadow, mudflat/pickleweed, pasture cropland, and salt desert scrub. Ferruginous hawks could possibly occur in the same habitats as Swainson's hawks and would experience similar loss of foraging habitat under all the build alternatives. Although the direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6), they would contribute to the local and regional cumulative reduction of suitable foraging habitat for this species.

Golden Eagle

Golden eagles (*Aquila chrysaetos*) are rare permanent residents of the GSLE and rare transients in the project study area. Their preferred foraging habitats in the GSLE could include wet meadow, pasture, cropland, and salt desert scrub habitats. All the build alternatives would result in the direct loss of foraging habitat. Alternative A would result in 228.8 ha (565.4 ac) of habitat loss; Alternative B in 309.5 ha (764.8 ac); Alternative C in 234.8 ha (580.2 ac); and Alternative (E) in 226.9 ha (560.7 ac). In the western United States, golden eagles forage over home ranges that average 20 to 33 km^2 (2,000 to 3,300 ha [4,942 to 8,154 ac]) (Kochert et al. 2002). Resident pairs tend to maintain home ranges year-round, with shifts in intensity of use from breeding season to winter (Dunstan et al. 1978 in Kochert et al. 2002; Marzluff et al. 1997 in Kochert et al. 2002). Individuals do not use all areas within their home range equally, but concentrate activity within core areas (Platt 1984 in Kochert et al. 2002; Marzluff et al. 1997 in Kochert et al. 2002). In southwestern Idaho, core area contained 95 percent of locations of radio-tagged eagles, but only 14.4 percent of the breeding-season range and 25.3 percent of the non-breeding range (Marzluff et al. 1997 in Kochert et al. 2002). The low frequency of golden eagle occurrences in the project study area suggests that the birds that use this area are either residents with core territory areas elsewhere in the GSLE or are migrants moving through the area. The direct impacts of the Legacy Parkway project could affect 6.8 to 15.4 percent of one golden eagle home range, depending on its actual size, or small portions of several territories if they overlap. These impacts would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6). The proposed action would not affect the long-term viability of this species within the GSLE but would contribute to the ongoing local and regional cumulative reduction of suitable foraging habitat for this species.

Prairie Falcon

Prairie falcons are rare permanent residents and breeders in the GSLE. They are occasionally seen foraging in the project study area, but they do not breed there (Table 4.13-1). Habitats most likely to be used by this species in the project study area are emergent marsh, wet meadow, mudflat/pickleweed, pasture, cropland, and salt desert scrub. All the build alternatives would result in the direct loss of foraging habitat for this species. Alternative A would result in 240.2 ha (593.5 ac) of habitat loss; Alternative B in 336.6 ha (831.8 ac); Alternative C in 255.5 ha (631.4 ac); and Alternative E in 243.7 ha (602.2 ac). The estimated home range of this species in southwestern Idaho is 108 to 315 km^2 (10,800 to 31,500 ha [26,690 to 77,840 ac]) (Dunstan et al. 1978 in Kochert et al. 2002; Marzluff et al. 1997 in Kochert et al. 2002). The direct impacts of the Legacy Parkway project could affect 0.7 to 3.1 percent of one prairie falcon home range, depending on its actual size and overlap with the project study area. For any alternative, this area would comprise less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6). The proposed action would not affect the long-term viability of this species within the GSLE, but would contribute to the ongoing local and regional cumulative reduction of suitable foraging habitat for this species.

American Golden-Plover

American golden-plovers (*Pluvialis dominica*) are rare migrants through the GSLE and have not been observed in the project study area (Table 4.13-1). However, they could occur in the project study area during migration, where they may occasionally forage in pasture, cropland, mudflat/pickleweed, and wet meadow habitats. All the build alternatives would result in direct loss of foraging habitats for this species. Alternative A would result in 170.9 ha (422.3 ac) of habitat loss; Alternative B in 277.7 ha (686.2 ac); Alternative C in 178.4 ha (440.8ac); and Alternative E in 150.5 ha (371.9 ac). The direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6), but they would contribute to the local and regional cumulative reduction of suitable foraging habitat for this species.

Snowy Plover

Snowy plovers (*Charadrius alexandrinus*) are common breeders in the GSLE, but they have not been observed in the project study area (Table 4.13-1). Their preferred breeding and foraging habitats (salt flats and mudflat/pickleweed habitats) are minor components of the project study area. Because salt flats are relatively abundant in the GSLE, the local snowy plover population is unlikely to be adversely affected by the loss of 2.5 to 12.9 ha (6.4 to 31.9 ac) of mudflat/pickleweed habitat. The direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6), but they would contribute to the local and regional cumulative reduction of suitable foraging habitat for this species.

American Avocet

American avocets occur regularly in the project study area (Table 4.13-1). In the project study area avocets nest in emergent marsh, wet meadow, mudflat/pickleweed, and pasture habitats. Foraging habitat is a minor component of the project study area. All the build alternatives would result in the direct loss of foraging habitats for this species. Alternative A would result in 6.4 ha (15.8 ac) of habitat loss; Alternative B in 18.2 ha (45.0 ac); Alternative C in 16.8 ha (41.5 ac); and Alternative E in 13.8 ha (34.1 ac). The breeding density of American avocets in northern Utah has been estimated to be 16 to 28 pairs/ha (6 to 11 pairs/ac). If all the habitat area lost from construction of the proposed action were suitable for nesting, Alternative A would result in the direct loss of nesting habitat for 102 to 179 pairs; Alternative B in the loss of habitat for 291 to 510 pairs, Alternative C in the loss of habitat for 269 to 470 pairs, and Alternative E in the loss of habitat for 221 to 386 pairs. However, because of the extensive distribution of suitable breeding habitat throughout the GSLE, the direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats (Table 4.13-6). Accordingly, the maximum loss of breeding habitat from any alternative (i.e., 510 pairs under Alternative B) would affect only approximately 1.9 percent of the estimated 53,000 breeding American avocets in the regional study area (Paul et al. 1998b in Robinson et al. 1997). The loss of habitat resulting from any build alternative would reduce the local density of breeding birds within the project study area but would not notably affect the long-term viability of American avocets in the GSLE. The project would, however, contribute to the ongoing marked cumulative loss of breeding habitat for this species throughout the region.

Solitary Sandpiper

Solitary sandpipers (*Tringa solitaria*) have not been observed in the project study area (Table 4.13-1). Patton et al. (1992 in Moskoff 1995) reported only 19 records of this species visiting Great Salt Lake; Point Reyes Bird Observatory (1995 in Moskoff 1995) recorded only three occurrences during fall migration in 1994 and 1995. Although they are unlikely to occur in the project study area in any given year, individuals may occasionally forage in emergent wetlands, shallow streams, and pools within riparian corridors, mudflat/pickleweed, and wet meadow habitats. All the build alternatives would result

in the direct loss of foraging habitats for this species. Alternative A would result in 40.5 ha (100.1 ac) of habitat loss; Alternative B in 68.8 ha (170.0 ac); Alternative C in 59.3 ha (146.5 ac); and Alternative (E) in 45.1 ha (111.4 ac). The direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6). Because of the low frequency of use of the project study area by solitary sandpipers, it is unlikely that loss of foraging habitat resulting from any build alternative would affect the long-term viability of this species in the GSLE, but such loss would contribute to the local and regional cumulative reduction of suitable foraging habitat for this species.

Whimbrel

Whimbrels (*Numenius phaeopus*) are rare transients in the GSLE and have not been observed in the project study area (Table 4.13-1). Although they are unlikely to occur in the project study area in any given year, individuals may occasionally forage in pasture, cropland, mudflat/pickleweed, and wet meadow habitats. All the build alternatives would result in the direct loss of foraging habitats for this species. Alternative A would result in 175.5 ha (434.2 ac) of habitat loss; Alternative B in 277.7 ha (686.2 ac); Alternative C in 178.4 ha (440.8 ac); and Alternative E in 174.5 ha (431.2 ac). The direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6). Because of the low frequency of use of the project study area by whimbrels, it is unlikely that loss of foraging habitat resulting from any build alternative would affect the long-term viability of this species in the GSLE, but such loss would contribute to the ongoing local and regional cumulative reduction of foraging habitat for this species.

Long-Billed Curlew

Although breeding long-billed curlews (*Numenius americanus*) have not been observed in the project study area, occurrences of migrants have been documented (Table 4.13-1). They may forage in wet meadows, mudflat/pickleweed, and areas within salt desert scrub habitat. All the build alternatives would result in the direct loss of breeding and foraging habitats for this species. Alternative A would result in 60.4 ha (149.3 ac) of habitat loss; Alternative B in 86.0 ha (212.5 ac); and Alternative C in 118.8 ha (293.6 ac); and Alternative E in 92.3 ha (228.1 ac). The direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6). As with other transient shorebirds that use the project study area, it is unlikely that loss of foraging habitat resulting from any build alternative would affect the long-term viability of long-billed curlews in the GSLE, but such loss would contribute to the ongoing local and regional cumulative reduction of foraging habitat for this species.

Marbled Godwit

Marbled godwits (*Limosa fedoa*) are rare migrants in the project study area (Table 4.13-1). They forage in mudflat/pickleweed, shallow open water, cropland, pasture, and wet meadow habitats. All the build alternatives would result in the direct loss of foraging habitats for this species. Alternative A would result in 174.8 ha (431.9 ac) of habitat loss; Alternative B in 288.4 ha (712.7 ac); Alternative C in 182.3 ha (450.5 ac); and Alternative E in 181.7 ha (563.7 ac). The habitat losses associated with all alternatives, however, would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6). This change would result in local loss of foraging habitat for this species in the project study area; it would not affect the long-term viability of this species in the GSLE, but it would contribute to the ongoing regional cumulative reduction of suitable foraging habitat for this species.

Sanderling

Sanderlings (*Calidris alba*) have not been observed in the project study area (Table 4.13-1), but could occasionally use the area. Because their foraging habitat (mudflat/pickleweed) is a minor component of the project study area and this habitat is relatively abundant in the regional study area, sanderlings are unlikely to be adversely affected by the loss of 2.5 to 12.9 ha (6.4 to 31.9 ac) of habitat. The direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6), but they would contribute to the local and regional cumulative reduction of suitable foraging habitat for this species.

Wilson's Phalarope

Wilson's phalaropes are rare breeders and uncommon migrants in the project study area (Table 4.13-1). They nest in wet meadow habitat and forage there and in open water, emergent marsh, and mudflat/pickleweed habitats. All the build alternatives would result in the direct loss of breeding and foraging habitats for this species. Alternative A would result in loss of 27.5 ha (68 ac) of breeding habitat loss; Alternative B in 39.1 ha (96.8 ac); Alternative C in 35.6 ha (90.4 ac); and Alternative E in 26.7 ha (66.1 ac). Very little information is available on nesting densities of this species. Estimated nest densities in an ephemeral wetland in Saskatchewan varied between 0 and 1.1 breeding pairs/ha (0.445 pairs/ac) and between 0.55 and 1.1 pairs/ha (0.22 and 0.44 pairs/ac) in a permanent wetland (Colwell and Jehl 1994). Assuming that wet meadow habitat in the project study area is wet during the breeding season, Alternative A would result in potential loss of habitat for 15.1 to 30.2 pairs; Alternative B in the loss of habitat for 53.2 to 106.5 pairs; Alternative C in the loss of habitat for 49.7 to 99.4 pairs; and Alternative E in the loss of habitat for 14.6 to 29.4 pairs. The impact of the proposed action on the regional population of Wilson's Phalaropes within the GSLE, however, would be small. In July, the Wilson's phalarope staging population at Great Salt Lake frequently represents more than a third of the world's population, varying between 54,000 (1984) and 603,333 (1991) individuals (Aldrich and Paul 2002). A large portion of these birds breed in the regional study area. On a regional scale, the wet meadow habitat in the project study area comprises only 0.052 to 0.88 percent of the potential breeding habitat available to Wilson's phalaropes within the regional study area (Table 4.13-6).

Alternative A would result in 42.8 ha (105.8 ac) of foraging habitat loss; Alternative B in 77.2 ha (190.8 ac); Alternative C in 61.2 ha (151.2 ac); and Alternative E in 50.7 ha (125.3 ac). Because Wilson's phalaropes are highly gregarious and social throughout the year, they often concentrate in large numbers while foraging. These foraging habitat losses would likely result in notable shifts of foraging areas for local populations of birds using the project study area. However, on a regional level, the direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of Wilson phalarope foraging habitats in the regional study area (Table 4.13-6). However, these losses would contribute to the marked cumulative reduction of suitable foraging habitat.

Burrowing Owl

Burrowing owls have been observed in the project study area (Table 4.13-1), where suitable habitats include dry mudflat/pickleweed, pasture, cropland, salt desert scrub, urban fields, and freeway right-of-way. They nest in crevices and burrows, especially those excavated by red fox and badgers. They breed and forage primarily in pasture, salt desert scrub, and cropland (along edges) habitats as well as on dikes and islands in water impoundments. All the build alternatives would result in the direct loss of breeding and foraging habitats for this species. Alternative A would result in 203.8 ha (503.6 ac) of habitat loss; Alternative B in 277.8 ha (686.5 ac); Alternative C in 211.1 ha (521.6 ac); and Alternative E in 206.8 ha (511.0 ac). Radiotelemetry studies of burrowing owl movement patterns in central Saskatchewan showed that home range size varied from 0.14 to 4.81 km^2 (14 to 48.1 ha [34.6 to 118.9 ac]). Assuming similar spatial requirements for burrowing owls in the regional study area, Alternative A would remove habitat

sufficient to support 10.5 to 36 pairs, Alternative B would remove habitat for 14.3 to 49 pairs, Alternative C would remove habitat for 4.4 to 15 pairs, and Alternative E would remove habitat for 4.3–14 pairs. The population size of burrowing owls in the regional study area is unknown, but the direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of suitable habitats in the regional study area (Table 4.13-6). Such losses would contribute to a marked cumulative reduction of suitable foraging habitat for this species in the area.

This species is generally declining in many areas throughout the western U.S. (Haug et al. 1993). Vehicle collision is a major source of mortality. If the proposed action were to traverse existing burrowing owl habitat, road mortality would likely increase. Moreover, highway alignments can provide travel corridors for a variety of native and nonnative predators, including introduced foxes, which can have severe local effects on burrowing owl populations.

Loggerhead Shrike

Loggerhead shrikes (*Lanius ludovicianus*) are uncommon year-round residents in the GSLE and have not been observed in the project study area (Table 4.13-1). Suitable habitats in the project study area include riparian corridors, pasture, salt desert scrub, and developed areas (urban landscaping). All the build alternatives would result in the direct loss of breeding and foraging habitats for this species. Alternative A would result in 147.6 ha (364.7 ac) of habitat loss; Alternative B in 171.5 ha (423.8 ac); Alternative C in 151.8 ha (375.1 ac); and Alternative E in 148.9 ha (367.9 ac). Reported territory sizes of loggerhead shrikes vary from 4.6 to 25 ha (10.4 to 62 ac) (Yosef 1996). Assuming comparable territory sizes in the regional study area, Alternative A would remove habitat sufficient to support 6 to 32 territories; Alternative B would remove habitat for 6.9-37.3 territories, Alternative C would remove habitat for 6-33 territories, and Alternative E would remove habitat for 6-32 territories. The direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6) and would not affect the long-term viability of this species in the GSLE. However, such impacts would contribute to the marked ongoing cumulative reduction of suitable foraging habitat for this species.

Virginia's Warbler

Virginia's warblers (*Vermivora virginiae*) have not been observed in the project study area (Table 4.13 1). They are found during migration in riparian and some scrub (with large, tall shrubs) habitats that have high densities of insects. Potential habitat in the project study area includes riparian corridors, salt desert scrub, and urban shrub (developed). Virginia's warblers have low potential to occur in the project study area because of the limited extent of riparian habitat and the low stature of the shrubs in the salt desert scrub habitat (Table 4.13-1). All the build alternatives would result in direct losses of less than 2.3 ha (5.6 ac) of suitable habitat; these losses are unlikely to have any adverse effects on this species.

Brewer's Sparrow

Brewer's sparrows are rare summer visitants in the project study area (Table 4.13-1). They breed in shrub steppe habitats and are found during migration in riparian and scrub habitats. Suitable habitats within the project study area include riparian, wet meadow, mudflat/pickleweed, pasture, cropland, salt desert scrub, and urban shrub (developed). All the build alternatives would result in the direct loss of breeding and foraging habitats for this species. Alternative A would result in 232.9 ha (575.5 ac) of habitat loss; Alternative B in 319.3 ha (789.0 ac); Alternative C in 249.7 ha (617.0 ac); and Alternative E in 235.1 ha (580.9 ac). Breeding season densities of Brewer's Sparrows can be highly variable between years, ranging from 50 to 350 individuals/km^2 (0.5 to 3.5 individuals/ha [0.2 to 1.4 individuals/ac]) (Weins and Rottenberry 1985 in Rottenberry et al. 1999) in southeast Oregon. In southeast Idaho, densities ranged from 116 to 192 individuals/km^2 (1.16 to 1.92/ha [0.47 to 0.78/ac]) (Oetersin and Best 1897 in

Rottenberry et al. 1999); and in central Oregon, densities ranged from 111 to 277 individuals/km^2 (1.11 to 2.77/ha [0.45 to 1.12/ac]) (Rottenberry et al. 1999). Assuming an approximate density of 2.47 individuals/ha [1 individual/ac] for populations in the project study area, the habitat losses listed above could theoretically result in loss of habitat sufficient to support 580 to 789 brewer's sparrows. However, the existing habitat in the project study area is not sufficient to support such a density of birds. Moreover, because this species has been documented only as a rare summer visitant, these estimates are clearly extreme. Accordingly, the proposed action would likely have only a small effect on this species.

Additionally, the direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-7). The proposed action would therefore not affect the long-term viability of this species in the GSLE. It would, however, contribute to the local and regional cumulative reduction of suitable foraging habitat for this species.

Utah Division of Wildlife Resources Wildlife Species of Concern

American White Pelican

American white pelicans (*Pelecanus erythrorhynchus*) are rare summer visitants to the project study area (Table 4.13-1). All the build alternatives would result in the direct loss of small areas of potential foraging habitat (i.e., open water) for this species. Alternative A would result in 3.9 ha (9.6 ac) of habitat loss; Alternative B in 10.7 ha (26.4 ac); Alternative C in 3.9 ha (9.6 ac); and Alternative E in 7.2 ha (17.8 ac). The direct impacts of the Legacy Parkway project would be minimal on this species, affecting less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6). However, these changes would contribute to the local and regional cumulative reduction of suitable foraging habitat for this species.

Short-Eared Owl

Short-eared owls are uncommon breeders in the project study area (Table 4.13-1). In the project study area, they are likely to be found in emergent marsh, wet meadow, mudflat/pickleweed, pasture, cropland, and salt desert scrub habitats. All the build alternatives would result in the direct loss of breeding and foraging habitats for this species. Alternative A would result in 240.2 ha (593.5 ac) of habitat loss; Alternative B in 336.8 ha (832.2 ac); Alternative C in 255.5 ha (631.4 ac), and Alternative E in 243.7 ha (602.2 ac). This species exhibits considerable variation in the size of breeding territories (Holt and Leasure 1993); territories range from 20 to 121 ha/pair (49 to 299 ac/pair) in North American populations (Holt and Leasure 1993). If short-eared owls in the GSLE exhibit the same range, the proposed action would potentially result in loss of habitat sufficient to support 2 to 16 breeding pairs of short-eared owls. Sighting records in the project area suggest that the number of owls that would be affected by the proposed action would fall near the lower end of this range. The direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6). The proposed action is not likely to affect the long-term viability of this species within the GSLE, but it would contribute to the local and regional cumulative reduction of suitable foraging habitat for this species.

Bobolink

Bobolinks have occasionally been observed in agricultural fields at the northern end of the project study area near the FBWMA (Table 4.13-1). All the build alternatives could result in the direct loss of some breeding and foraging habitats for this species, but the amount of habitat is unknown. Site-specific preconstruction surveys would be necessary to determine whether any build alternative could disturb active bobolink nests (Federal Highway Administration et al. 2000).

Grasshopper Sparrow

Grasshopper sparrows (*Ammodramus savannarum*) have not been documented in the project study area, but could potentially occur there. Because of this status, the potential impact of the proposed action on this species would be small or nonexistent. Site-specific preconstruction surveys would be necessary to determine whether any build alternative could disturb active grasshopper sparrow nests (Federal Highway Administration et al. 2000).

Preble's Shrew

Because habitats similar to those supporting Preble's shrews (*Sorex preblei*) are present, the species may occur in wet meadow habitat in the project study area. All the build alternatives would affect such habitat. Alternative A would result in 27.5 ha (68.0 ac) of habitat loss; Alternative B in 39.2 ha (96.9 ac); Alternative C in 36.6 ha (90.4 ac); and Alternative (E) in 26.7 ha (66.0 ac). Because no information is currently available on the density of this species in different habitats, it was impossible to estimate the number of shrews that could potentially be affected by the proposed action. However, the direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of habitats potentially suitable for Preble's shrew in the regional study area (Table 4.13-6).

Spotted Bat

Like many species of arid-land bats, spotted bats (*Euderma maculatum*) take their insect prey on the wing. For this reason, these aerial foragers are not tied to any specific habitats in the project study area, and direct habitat losses probably would not have any adverse effects on this species. Spotted bats could benefit from the artificial lighting that is proposed under all the build alternatives because the lighting would attract and concentrate aerial insects, potentially reducing the energetic costs of foraging for some individuals.

Townsend's Big-Eared Bat

While no studies have been conducted, it is likely that Townsend's big-eared bats (*Plecotus townsendii*) frequents suitable foraging habitat around the lake, including the project study area. Like many species of arid-land bats, Townsend's big-eared bats take their insect prey on the wing. For this reason, these aerial foragers are not tied to any specific habitats in the project study area, and direct habitat losses would probably not have any adverse effects on this species. Townsend's big-eared bats could benefit from the artificial lighting that is proposed under all the build alternatives because the lighting would attract and concentrate aerial insects, potentially reducing the energetic costs of foraging for some individuals.

Kit Fox

Great Salt Lake is located on the northeastern edge of the known distribution of kit fox (*Vulpes macrotis*) (Zevellof and Collett 1988). Kit foxes are found throughout Utah in desert and semiarid regions with flat shrub or shrub-grass communities with little ground cover. Where these foxes occur in the Great Basin, shadscale, greasewood, and sagebrush communities are common. Major prey items include desert rodents, jackrabbits, cottontail rabbits, groundnesting birds, reptiles, and insects.

Due to limited suitable habitat along the Wasatch Mountains in the vicinity of the project study area, kit foxes are considered extremely rare and have a low probability of occurring there. If they do occur in the project study area, they are most likely to frequent salt desert scrub habitats. All the build alternatives could result in the direct loss of suitable habitat for this species. Alternative A would result in 60.4 ha (149.3 ac) of habitat loss; Alternative B in 39.3 ha (97.1 ac); Alternative C in 69.3 ha (171.2 ac); and Alternative E in 59.0 ha (145.8 ac). The direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area (Table 4.13-6), but the

Legacy Parkway project would contribute to the local and regional cumulative reduction of suitable foraging habitat for this species.

4.13.3.13 Cumulative Impacts

Historic land use changes within the GSLE have significantly reduced available wildlife habitat for migratory birds and other species, both around Great Salt Lake and within the project study area, as described in the bullet items below.

- An estimated 58 percent of historic wetland/wildlife habitat in the GSLE (159,439ha [393,980 ac] of 274,633 ha [678,630 ac]) has been lost to past activities, primarily due to agriculture and urban development.

- In the Ogden and Jordan River hydrologic units combined, where the proposed action is located, approximately 66 percent of historic wetland/wildlife habitat (57,374.13 ha [141,774 ac] of 86,664 ha [214,150 ac]) has been lost.

Reasonably foreseeable future habitat loss, including that attributable to the proposed build alternatives, is summarized in Section 4.13.3.1, and explained in detail in the wildlife technical memorandum. All the proposed build alternatives would have adverse direct and indirect effects and contribute to cumulative effects on local wildlife populations, including migratory birds. These adverse effects could potentially contribute to declines in the local numbers of affected species. In addition, traffic noise could potentially affect the behavior and reproductive capacity of various migratory bird species within the project study area and vicinity.

Although any proposed build alternative would contribute to cumulative effects on wildlife habitat loss, the area of wildlife habitat affected by direct habitat loss is small—approximately 0.1 percent of the total amount of wildlife habitat available throughout the regional study area. Highway noise effects would affect a larger area, approximately 1.3 percent of existing wildlife habitat in the regional study area. Loss or degradation of these areas and biological functions (reproductive capacity of birds affected by noise) would add to the cumulative historic and foreseeable future habitat loss and associated impacts on wildlife in the GSLE. These impacts alone, however, would not likely affect the long-term viability of any wildlife species in the GSLE.

4.13.3.14 Mitigation Measures

This section provides a description of mitigation measures to compensate for wildlife impacts that would result from implementation of the proposed action. The Final EIS proposed 632 ha (1,568 ac) of compensatory mitigation for these impacts in the form of a Legacy Nature Preserve (Preserve). This Preserve would offset historic and future cumulative impacts through restoration and preservation of wildlife habitat within the project study area. The total mitigation area of the Preserve currently proposed by UDOT and approved by the Corps and FHWA is 849 ha (2,098 ac). This includes 315 ha (778 ac) of wetland/riparian habitat (i.e., emergent marsh, mudflat/pickleweed, open water, riparian, and wet meadow habitats), 532 ha (1,315 ac) of upland habitat (i.e., croplands, pasture, and scrub habitats), and 2 ha (5 ac) of developed land.

The total amount of land designated for the Preserve mitigation (see Section 4.12, *Wetlands*) was determined in three stages. In the first stage, 506 ha (1,251 ac) were identified as suitable mitigation during the preparation of the Draft EIS. It was based on the amount of land needed to mitigate the loss of

wetland function and wildlife habitat based on the analysis using the wetland functional assessment models, as well as on an evaluation of wildlife habitat needs. During the preparation of the Final EIS an additional 126 ha (317 ac) were added to mitigate impacts on wildlife that were not captured by the wetland functional assessment models. In the final stage, during the preparation of the Record of Decision (ROD) by the Corps, another 217 ha (530 ac) were added to the mitigation package to address concerns expressed by EPA regarding a potential for unquantified indirect impacts on wetlands and wildlife resulting from the selected build alternative.

Wildlife Benefits of Legacy Nature Preserve

Habitat Preservation

The primary mitigation for impacts on wildlife would be to protect and maintain in perpetuity 849 ha (2,098 ac) of wildlife habitats in the project study area. These lands are an integral part of the wetland and associated upland habitat complexes along the eastern shore of Great Salt Lake that provide foraging and staging habitat for millions of migratory waterfowl and shorebirds each year. These lands also provide nesting habitat for many species. These habitats have been affected by past development and are at risk from future development. Most of the land within the project study area has been degraded ecologically by agricultural, urban and industrial development, and other land use changes. These areas face continued threats from future urban growth and development in and to the west of the study area. The Final EIS estimated that open space in Davis County was being developed at the rate of approximately 280 ha (700 ac) per year, and at that rate, most of the study area, including land now within the Legacy Nature Preserve, would be developed by 2020. This estimated rate of development has not changed since the Final EIS (Davis County 2004). Preservation of these lands would offset the historic and projected future cumulative loss of wetlands in the GSLE.

Habitat Restoration and Enhancement

In addition to preservation, the mitigation plan, as approved in the ROD, states that the Preserve would be managed to enhance its wildlife values. Restoration and enhancement measures would restore some of the wetland and wildlife habitat functions lost due to past land use changes. Incompatible land uses that have degraded the wildlife habitats include extensive use of all-terrain vehicles (ATVs), especially in the northern properties; over grazing; cultivated cropping; uncontrolled access by domestic pets, including feral cats and dogs; dumping of trash; and filling of wetlands. Also, in many areas the natural hydrology had been altered by farming and water development practices. Old channels and sloughs of the Jordan River were cut off from the main stem when levees prevented the river from overflowing into its historic floodplain.

Habitat restoration and enhancement measures proposed in the mitigation plan include removing roads, reseeding upland areas, leaving berms in certain areas in the southern portion of the Preserve, plugging tile drains, removing interior fences, removing utilities, and restoring hydrology to previously destroyed wetlands. Other activities to be implemented that would enhance habitat quality in the Preserve include controlling human disturbance, such as removing grazing; developing and implementing a noxious and/or invasive plant control plan; and managing water flows. A complete discussion of wetland restoration and enhancement appears in Section 4.12, *Wetlands*.

UDOT is committed to restoring and enhancing wetland and upland habitats in the mitigation area to ensure that they provide high wildlife value. Management for wildlife that use the Preserve would focus on enhancing and maintaining the mitigation property wetlands and uplands to maximize their use by the diverse array of migratory species currently inhabiting the regional and project study areas.

Mitigation for Habitat Loss

As described in Section 4.13.3, *Environmental Consequences,* construction of any proposed build alternative would result in direct loss of wildlife habitat in the project right-of-way. The extent and character of these losses would be a function of the location of the alignment within the matrix of habitats in the project study area. The Legacy Nature Preserve would compensate for direct impacts of the project by preserving and restoring more than four times as much wetland habitat and more than twice as much upland habitat than would be affected by constructing any build alternative (Table 4.13-12).

Table 4.13-12 Legacy Nature Preserve Mitigation Lands Compared to Direct Wildlife Habitat Losses under Build Alternatives

Alternative	Wetland/Riparian Wildlife Habitats in hectares (acres)*	Upland Wildlife Habitats in hectares (acres)
Legacy Nature Preserve	315 (778)	532 (1,315)
Alternative A	44 (110)	214 (531)
Alternative B	79 (196)	270 (668)
Alternative C	63 (157)	198 (490)
Alternative E	52 (129)	200 (495)

* Note that wetland/riparian wildlife habitat is not exactly the same as *jurisdictional wetlands* as defined in Section 4.12, *Wetlands*. Specifically, open water and riparian habitats have been mapped differently for purposes of the wildlife habitat analysis; this is discussed in greater detail in Appendix B of the wildlife technical memorandum. Please refer to Footnote 1 earlier in this section.

As described above, in the absence of these mitigation lands, most of this area could be developed in the future and would result in a regional loss of potential high-quality wildlife habitat. Therefore, placing these lands in a preserve also prevents other foreseeable future cumulative impacts from occurring and preserves a large portion of the wildlife habitats identified as critical protection areas in the Davis County Wetlands Conservation Plan (Figure 4.13-12).

Effects of Lake Level Change on Availability of Wildlife Habitats in Legacy Nature Preserve

Figure 4.13-13 shows that the Preserve mitigation area is also subject to natural cyclic inundation from changes in lake level. The types and quantity of wildlife habitat available in the Preserve is therefore conditional on the prevailing level of the lake. As the lake level rises, terrestrial habitat converted to open saline water is no longer available to wildlife that formerly used it. Species using the mitigation area would be forced to use more limited habitats closer to the highway and would potentially be increasingly subject to highway mortality and reduced habitat quality. At higher lake levels when the lake inundates most or all of the Preserve, those species would be displaced to other areas outside the Preserve, either within the GSLE basin or elsewhere. Inundation of the Preserve would also periodically negate restoration and enhancement efforts in low elevation terrestrial habitats.

The dynamic inundation-regrowth nature of the wildlife habitats in the proposed Preserve does not match that of the more constant upland habitats that would be lost under the build alternatives. However, the Preserve would provide large areas of quality habitat for long periods between inundation events that would be used by many species of wildlife. During high lake level periods, regional precipitation conditions that contributed to the rise in lake level are also likely to result in the “greening” of formerly

dry areas around the GSLE basin and other areas along traditional wildlife migratory corridors. These areas would provide alternate refuge and stopover areas for many migrating species that would potentially use the Preserve.

It is not known how the regional dynamics of habitat availability would affect species displaced from the Preserve by high water. However, the mitigation area has significant value in preserving key habitats for these species during low lake level periods and in preserving an important part of the natural GSLE cycle.

Mitigation for Habitat Fragmentation

As described in Section 4.13.3, *Environmental Consequences*, construction of any build alternative of the Legacy Parkway project would transect the matrix of wildlife habitats in the project study area. This would result in fragmentation of existing wetland and upland habitats into smaller patches that could reduce the local carrying capacity for some species. Other possible effects of habitat fragmentation include reduced connectivity between habitat patches; increased "edge" effects; and possible dispersal barriers for some species.

The Preserve would compensate for many of these fragmentation effects by restoring and enhancing much of the existing degraded and fragmented habitat within the proposed Preserve area. The Legacy Nature Preserve would be managed to maintain large and contiguous wildlife habitat areas with low levels of human disturbance. Most wildlife species currently found there should benefit from an increased carrying capacity resulting from habitat enhancement and reversed fragmentation restoration efforts that would create a more contiguous habitat area

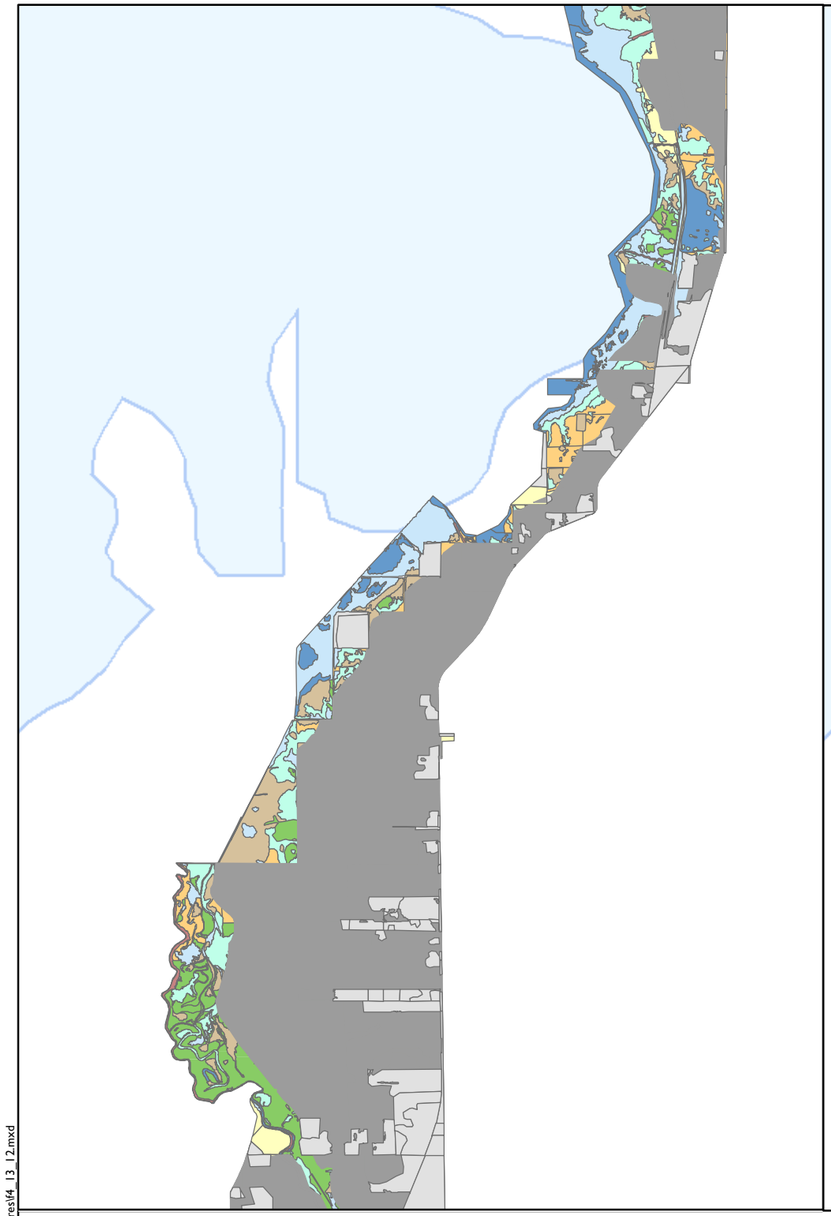
Mitigation for Noise Impacts on Wildlife

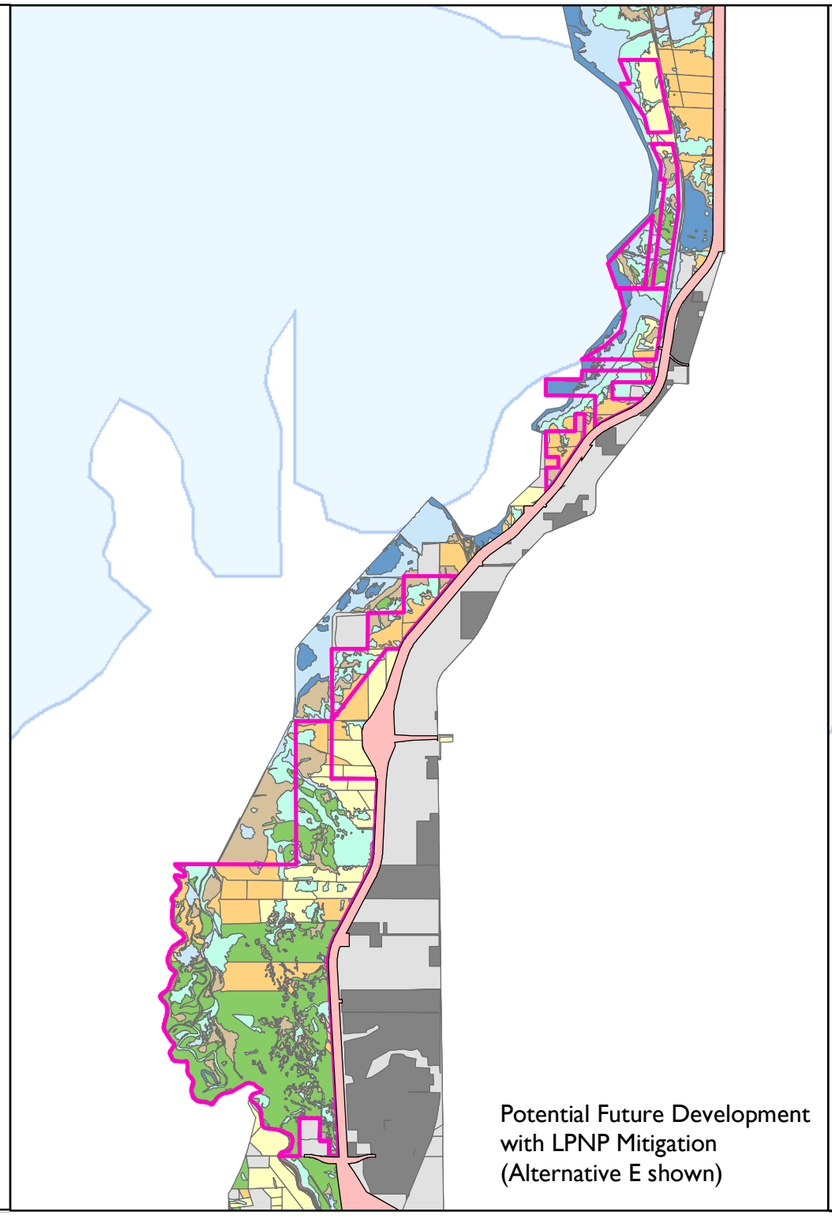
Based on best available information on biological impacts of highway noise on wildlife, it is likely that noise-sensitive species adjacent to the proposed build rights-of-way would either move away from the disturbance area or remain and adapt to the extent they are able, with some reductions in local population densities and species diversity. More noise-tolerant species could replace noise-sensitive species in some areas. However, the overall impact of noise on wildlife resulting from the proposed action is not expected to jeopardize the long-term viability of any species that currently use the project study area. The Preserve would mitigate adverse biological effects of highway noise through habitat enhancement that would increase the productivity of wildlife species affected by the proposed action. By improving habitat conditions (food availability, shelter from disturbance and predation), the carrying capacity of many of these species would likely increase, thereby offsetting in part the predicted population declines of these species adjacent to the proposed highway. UDOT will monitor noise and survey for representative breeding migratory bird species in the Legacy Nature Preserve during spring 2005 and after completion of the proposed action to determine the impacts of noise. An adaptive management program, including additional noise abatement practices and restoration/enhancement of the Preserve habitats, will be implemented as appropriate to mitigate the noise impacts determined by the initial monitoring studies.

The mitigation Preserve would also create a distance and noise buffer of undeveloped habitat for some habitat areas west of the proposed highway alignment, including sensitive wildlife areas such as parts of the FBWMA and wetlands west of the project that are managed by local duck clubs.

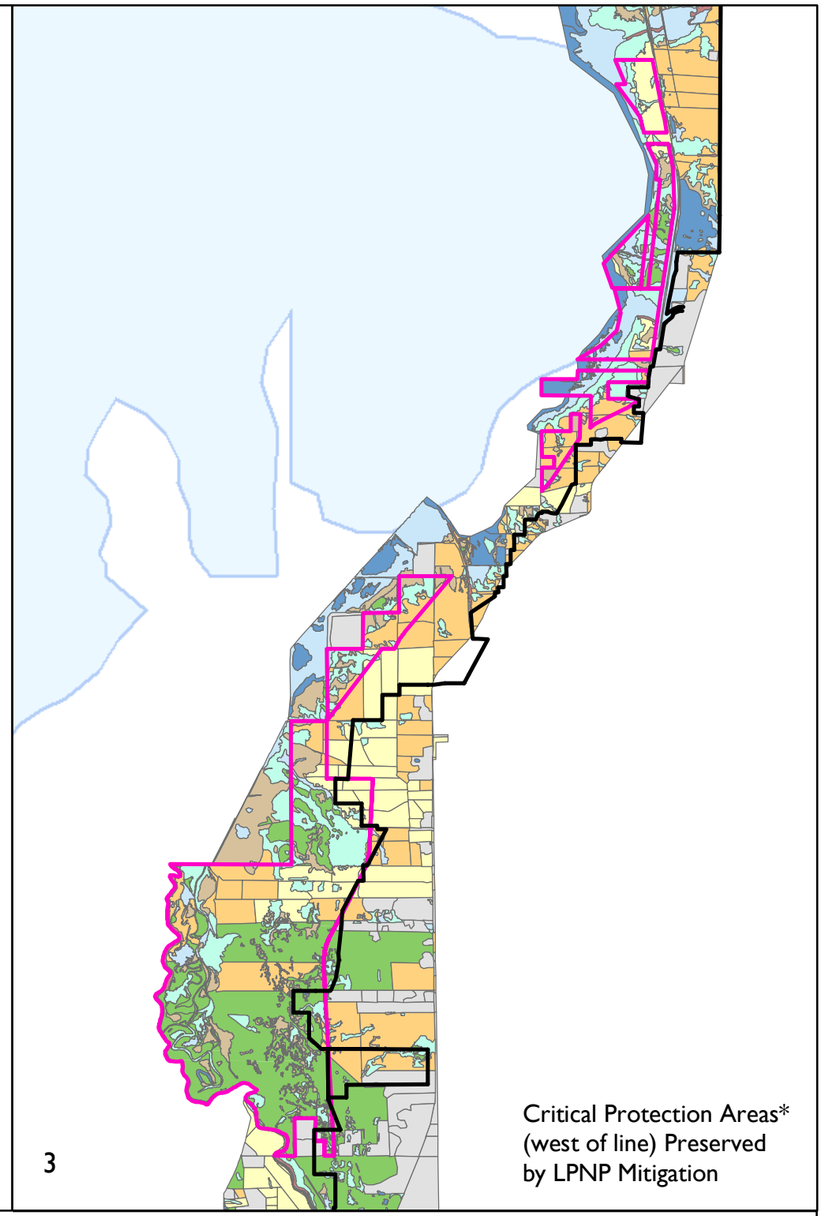
Effects of Highway Noise on Quality of Habitat in the Legacy Nature Preserve

Because the Preserve is in close proximity to the proposed action, highway noise would affect wildlife within the Preserve. Under existing conditions (Figure 4.13-14), the Preserve area is subject to noise





Potential Future Development with LPNP Mitigation (Alternative E shown)



3

Critical Protection Areas* (west of line) Preserved by LPNP Mitigation

Legend

- LPNP Mitigation Boundary
- Critical Protection Areas (west of line)*

Potential Future Developement

- Developed
- Developable
- Alternative E*

Wetland / Wildlife Habitat

- Cropland
- Developed
- Emergent Marsh
- Mudflat/Pickleweed
- Open Water
- Pasture
- Riparian
- Scrub
- Wet Meadow

N

0.8 0.4 0 0.8 1.6

Kilometers

Map Production: 12/15/03

Data Sources: UDOT Project Alternatives and Wetland / Wildlife Habitat Data, Potential Future Development modified from the Final EIS

*Davis County Critical Protection Area from the Wetlands Conservation Plan -- A Plan for Protection of the Great Salt Lake Wetlands Ecosystem in Davis County (December 1996).

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Figure 4.13-12

Legacy Parkway Study Area Potential Future Development and Legacy Parkway Nature Preserve

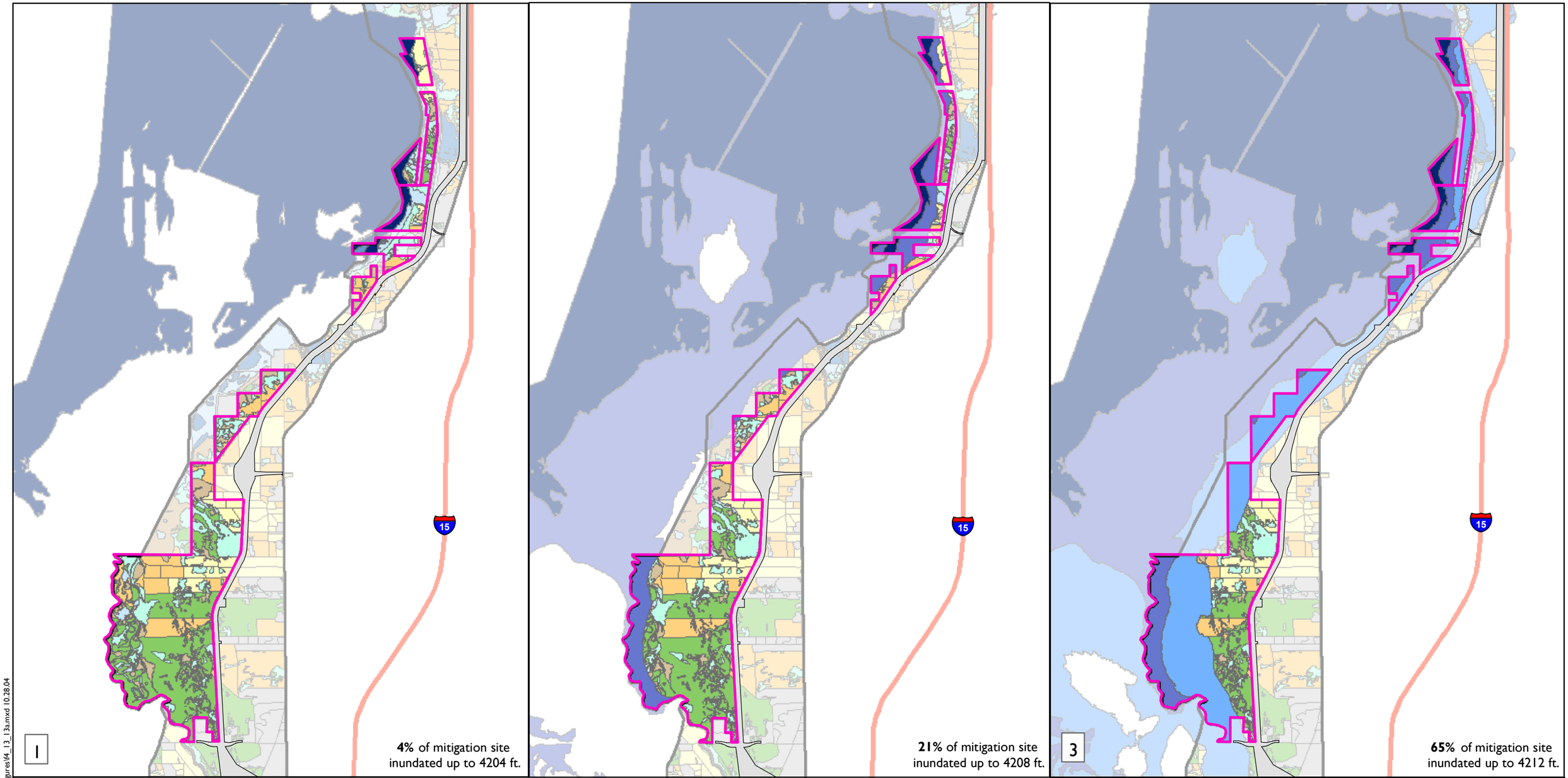
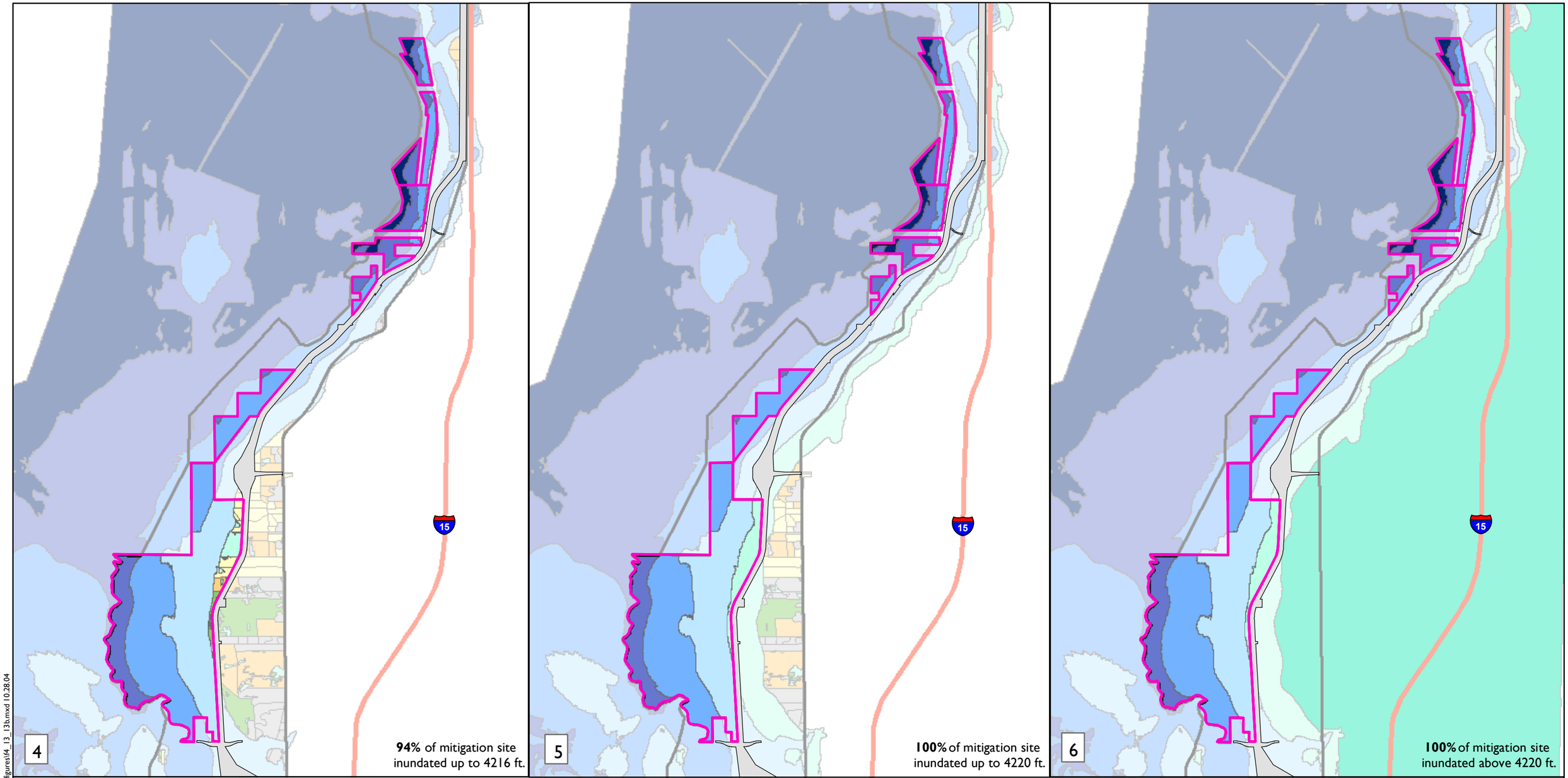


Figure 4.13-13a
Great Salt Lake Inundation Zones



Legend

- Major Existing Roads
- Project Study Area Boundary
- LPNP Mitigation Boundary
- Alternative E

Areas outside the LPNP mitigation boundary have been muted for display.

Inundation Zones (elevation in feet)

1. (4200 - 4204)
2. (4204-4208)
3. (4208-4212)
4. (4212-4216)
5. (4216-4220)
6. (>4220)

Wetland / Wildlife Habitats

- Cropland
- Developed
- Emergent Marsh
- Mudflat/Pickleweed
- Open Water
- Pasture
- Riparian
- Scrub
- Wet Meadow

1 0.5 0 1 2

Kilometers

Map Production: 12/15/03

Data Sources: UDOT Project Study Area Boundary, Exsiting Roads. Contours Generated USGS 10 Meter Digital Elevation Model (DEM)

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Figure 4.13-13b
Great Salt Lake Inundation Zones

levels mostly below 50 dB, with smaller areas closest to I-15 experiencing noise in the 50–55 dB range (Figures 4.13-14 and 4.13-15). With implementation of the Legacy Parkway project, large areas of the Preserve would be subject to higher noise levels (up to >60 dB) (Figures 4.13-14 and 4.13-16). Figure 4.13-17 shows the net area (i.e., change) of each habitat that would be affected by highway noise compared to existing conditions. This figure shows increases of areas in higher noise level contours (50–>60 dB), as well as a decrease in the extent of areas currently within the 45–50 dB contour.

This noise disturbance would affect wildlife species in the same manner as described in Section 4.13.3.10. Noise-sensitive species would either move away from the disturbance or stay and adapt to the extent they are able, with potential reductions in survival rates and/or reproductive success. These impacts could affect the proposed habitat enhancement benefits for parts of the Preserve, as described above, particularly parts of the Preserve adjacent to the highway. The proposed monitoring program would provide quantitative information on the nature of these noise impacts in the Preserve. Implementation of specific adaptive management actions identified by the initial monitoring program described above can be equally applied to mitigate the compounding effects of noise impacts within the Preserve. The wildlife technical memorandum describes these effects in greater detail.

Other Mitigation Measures to Protect Wildlife Habitat

Under all build alternatives, measures to minimize wetland and wildlife habitat impacts would be implemented during project construction and would be incorporated into the final project design. Culverts would be placed under the highway within the Corps floodplain boundary to maintain hydrologic connections between the east and west sides of the parkway during high lake levels. Surface water conveyance and groundwater conveyance structures would be installed wherever existing hydrologic connections or wetlands are present. The roadway design has been modified to lower the embankment height in non-floodplain areas to further minimize the minor effect of soil compaction on the subsurface water table. Best management practices (BMPs) would be employed to limit the amount of eroded sediment and other materials that leave the right-of-way. Another mitigation measure for preventing habitat degradation, such as water quality impacts, is the use of vegetated filter strips designed to remove pollutants from highway runoff.

1

Habitat within the Mitigation Boundary

2

Existing Conditions

3

Alternative E*

Legend

- LPNP Mitigation Boundary
- Project Study Area Boundary
- Alternative E*
- Major Existing Roads

TNM Modelled Noise Levels (Decibels)[1]

- <45
- > = 45 < 50
- > = 50 < 55
- > = 55 < 60
- > = 60

Wetland / Wildlife Habitats

- Cropland
- Developed
- Emergent Marsh
- Mudflat/Pickleweed
- Open Water
- Pasture
- Riparian
- Scrub
- Wet Meadow

Areas outside the LPNP mitigation boundary have been muted for display.

1 0.5 0 1 2
Kilometers

Map Production: 12/15/03

Data Sources: UDOT Project Study Area Boundary, Project Alternatives and Exsiting Roads. Contours generated from field data.

*Supplemental EIS 312-foot ROW

[1] The noise level contours generated by the traffic noise model have not yet been verified beyond 305m (1000ft). The locations of contours beyond this distance are projected estimates only and could vary significantly depending on existing background noise, atmospheric conditions, and substrate type.

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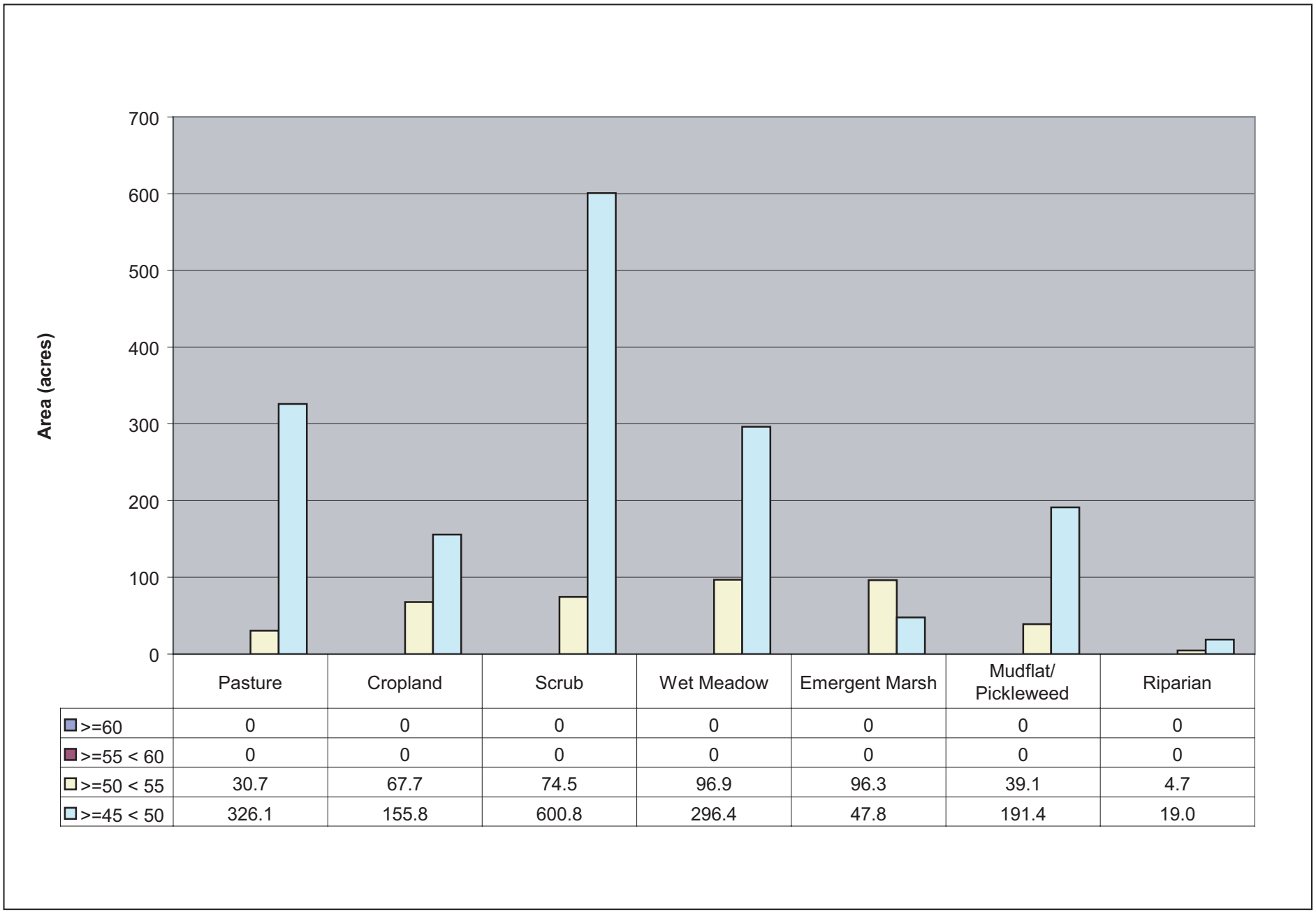
Figure 4.13-14
Highway Noise Level for the Proposed Legacy Parkway Nature Preserve



	Pasture	Cropland	Scrub	Wet Meadow	Emergent Marsh	Mudflat/ Pickleweed	Riparian
>=60	0	0	0	0	0	0	0
>=55 < 60	0	0	0	0	0	0	0
>=50 < 55	30.7	67.7	74.5	96.9	96.3	39.1	4.7
>=45 < 50	326.1	155.8	600.8	296.4	47.8	191.4	19.0

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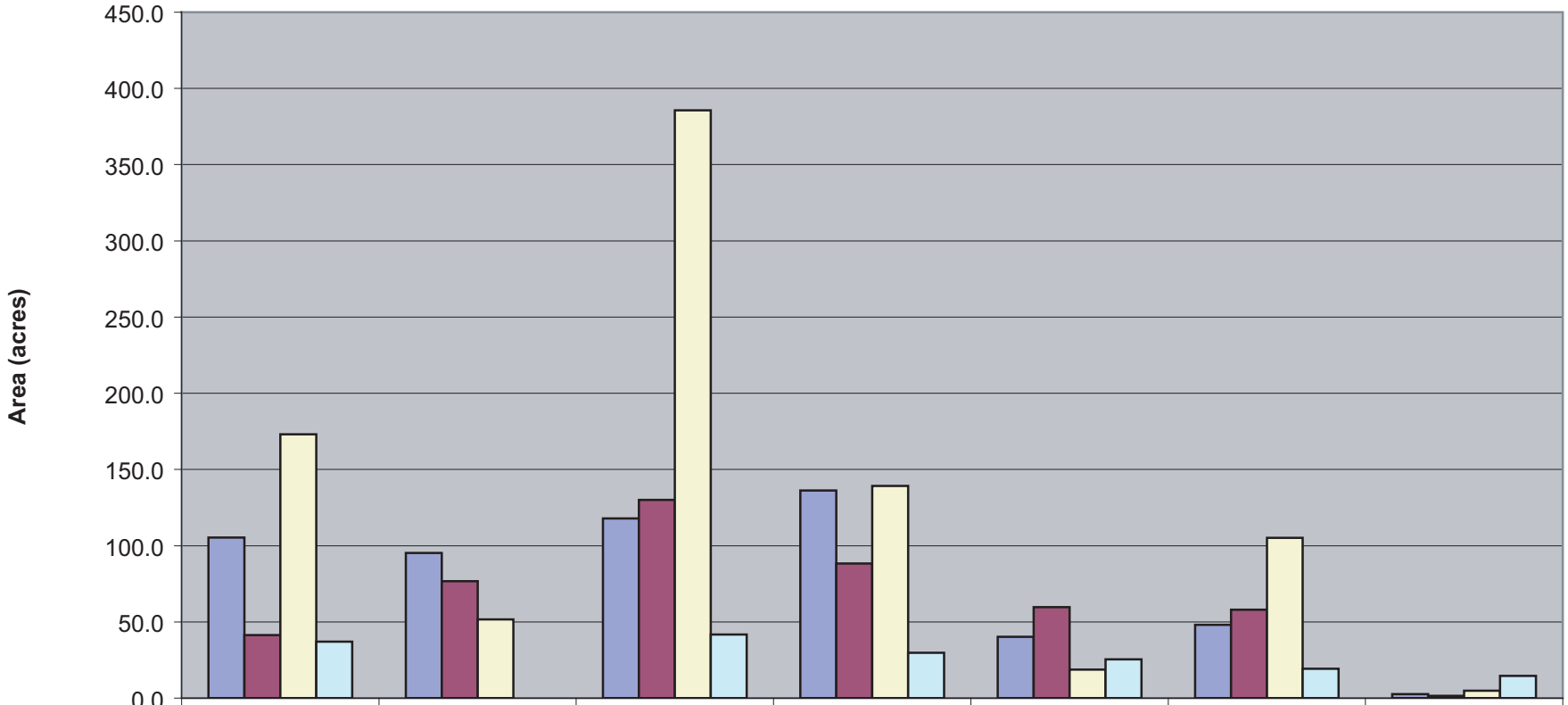
Figure 4.13-15
Areal Extent of Proposed Legacy Parkway Nature Preserve Affected by Noise (Existing Conditions)



	Pasture	Cropland	Scrub	Wet Meadow	Emergent Marsh	Mudflat/ Pickleweed	Riparian
>=60	105.3	95.2	117.8	136.1	40.2	48.1	2.7
>=55<60	41.3	76.8	130.1	88.3	59.7	57.9	1.5
>=50 < 55	173.1	51.6	385.6	139.2	18.8	105.2	4.9
>=45 < 50	37.0		41.7	29.7	25.4	19.2	14.5

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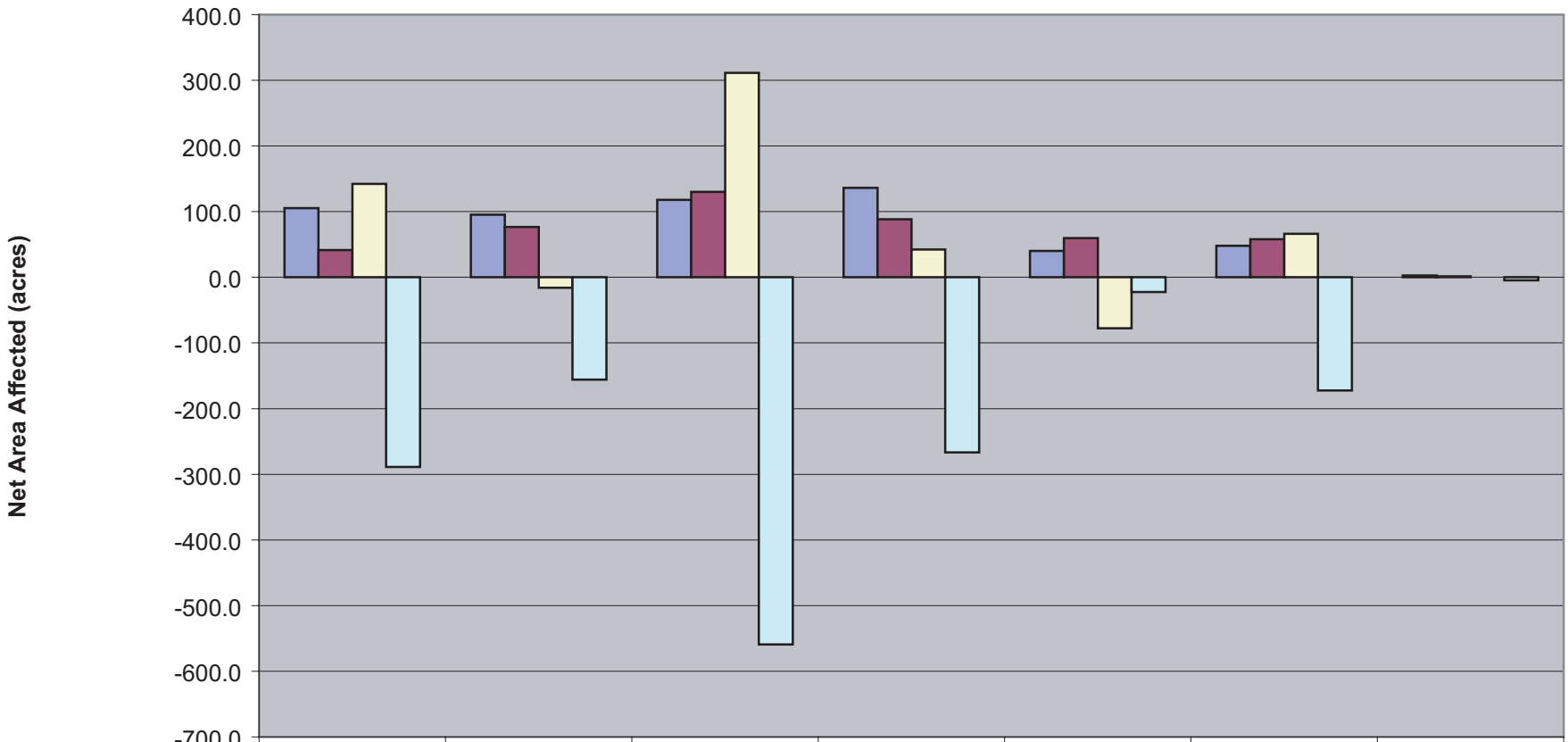
Figure 4.13-16
Area of Proposed Legacy Parkway Nature Preserve That Would Be Affected by Noise (Alternative E)



	Pasture	Cropland	Scrub	Wet Meadow	Emergent Marsh	Mudflat/ Pickleweed	Riparian
>=60 w/road	105.3	95.2	117.8	136.1	40.2	48.1	2.7
>=55<60 w/road	41.3	76.8	130.1	88.3	59.7	57.9	1.5
>=50 < 55 w/road	142.4	-16.1	311.1	42.3	-77.5	66.1	0.3
>=45 < 50 w/road	-289.0	-155.8	-559.0	-266.7	-22.4	-172.2	-4.5

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Figure 4.13-17
Net Area Affected by Noise Compared to No Road Condition

Section 4.14
Floodplains

This section discusses floodplains in the study area. In addition, the section provides information about the Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRM) for Davis and Salt Lake Counties that have been updated since the publication of the Final EIS.

4.14.1 Approach and Methodology

To update the affected environment and environmental consequences information associated with floodplains in the study area, Sections 3.14 and 4.14 of the Final EIS were reviewed to determine what changes had taken place since publication of the Final EIS. The study area for floodplains is described in Section 4.0.1, *Study Area*, of this document.

Utah State Floodplain Manager, Judy Watanabe, was consulted on September 18, 2003, to determine whether Davis County floodplain maps had been changed or revised since publication of the Final EIS (Watanabe pers. comm.). Nancy Barr of the State Floodplain Office was consulted on November 5, 2003, to determine whether Salt Lake County floodplain maps had been changed or revised since publication of the Final EIS (Barr pers. comm.). Scott Stoddard of the Corps was also contacted to determine whether the Corps floodplain study had been changed or revised since publication of the Final EIS (Stoddard pers. comm.).

4.14.2 Affected Environment

This affected environment section presents a summary of updated information on the affected environment relative to floodplains. As indicated in the Final EIS, 15 communities in Davis County and 13 communities in Salt Lake County participate in the National Flood Insurance Program (NFIP), which is administered by FEMA. As stated in the Final EIS, the communities that participate in the NFIP are required to administer a permit review program that minimizes flood damages based in part on FEMA-generated FIRM maps. The updated regulatory setting and updated status of the FIRM maps that pertain to the study area are presented below.

4.14.2.1 Regulatory Setting

Executive Order 11988, Floodplain Management, and Title 23 CFR Section 650, Subpart A, “Location and Hydraulic Design of Encroachments on Floodplains”, provide guidance to federal agencies on constructing projects within the boundaries of designated floodplains.

Executive Order 11988, Floodplain Management

Executive Order 11988 requires that all federal agencies take action to reduce the risk of flood loss, restore and preserve the natural and beneficial values served by floodplains, and minimize the impact of floods on human safety, health, and welfare. Federal agencies' actions must reflect consideration of alternatives to avoid adverse impacts in floodplains, and must modify the proposed action to minimize such impacts where such impacts are unavoidable.

Title 23 Code of Federal Regulations Section 650, Subpart A, "Location and Hydraulic Design of Encroachments on Floodplains"

Title 23 CFR 650, Subpart A, prescribes FHWA's policies and procedures for locating and designing highway encroachments in floodplains. Specifically, FHWA must avoid longitudinal and/or significant encroachments into floodplains, where practicable, and must minimize adverse affects on floodplains resulting from its actions. 23 CFR 650.105(q) defines a "significant encroachment" as a highway encroachment and any direct support of floodplain development that would involve one or more of the following construction- or flood-related impacts.

- A significant potential for interruption or termination of a transportation facility that is needed for emergency vehicles or provides a community's only evacuation route.
- A significant risk.
- A significant adverse impact on natural and beneficial floodplain values.

A proposed action that includes a significant encroachment cannot be approved unless FHWA finds that the proposed significant encroachment is the only practicable alternative.

4.14.2.2 FEMA Studies and Maps

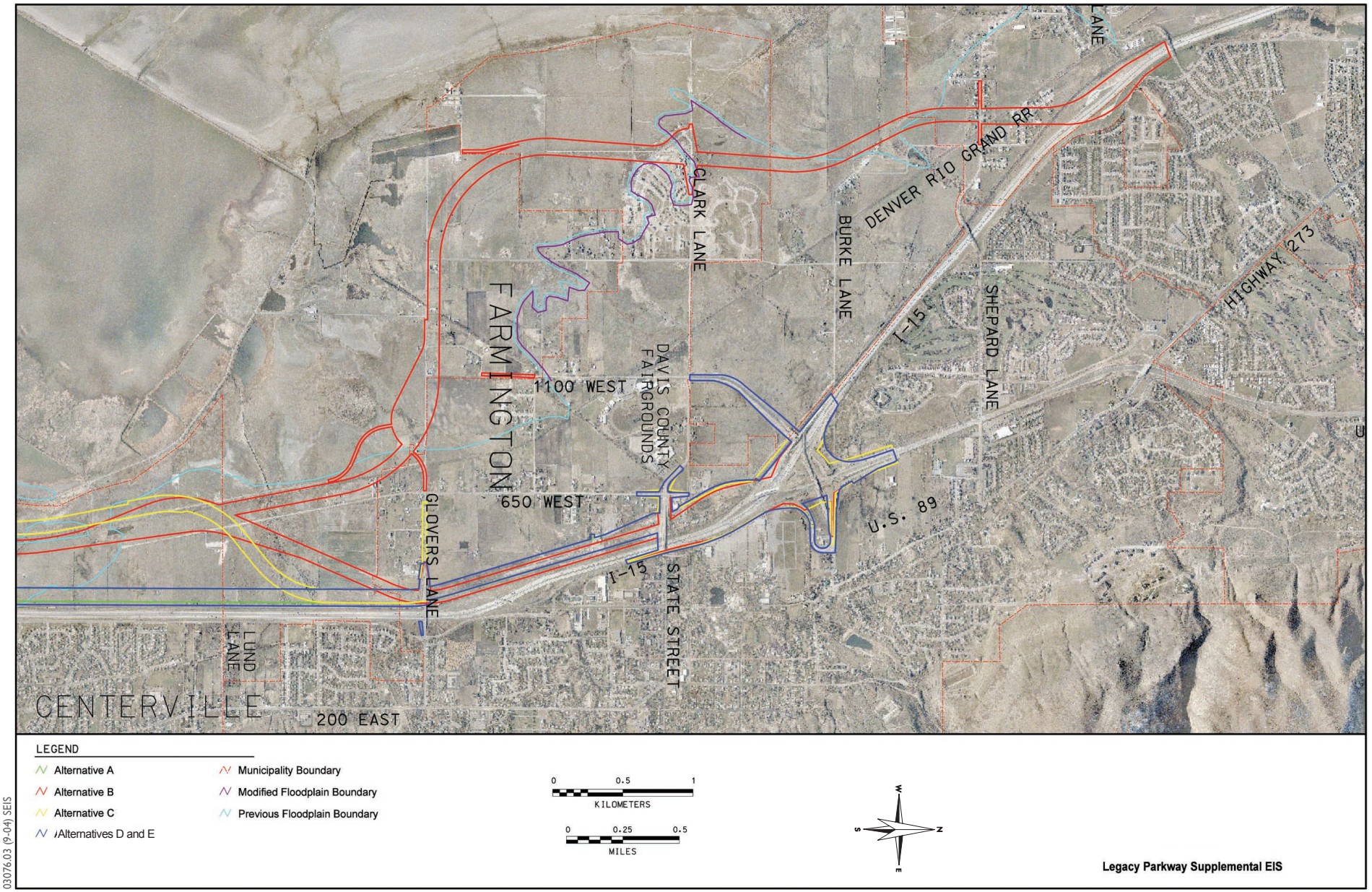
The floodplain map for Farmington Creek and Great Salt Lake was revised in 2001 to reflect updated hydrologic and topographical information (Federal Emergency Management Agency 2001). This revision resulted in an eastward expansion of the Great Salt Lake FEMA floodplain boundary of 152 m to 305 m (500 ft to 1,000 ft) between approximately 1500 West and 100 North in the City of Farmington (Figure 4.14-1). This is the only change to the FIRM maps that was reported for floodplains in the study area.

4.14.2.3 Vertical Datum Differential

There has been no change to the vertical datum differential since publication of the Final EIS.

4.14.2.4 Corps Floodplain Study

The Corps floodplain study has not been revised since 1998, and the Corps floodplain boundary has not changed since publication of the Final EIS (Stoddard pers. comm.). Therefore, there is no additional discussion of the Corps floodplain study in this document. However, since the FEMA floodplain boundary has been updated since publication of the Final EIS (see Section 4.14.2.2), the relationship between the Corps Great Salt Lake floodplain boundary (defined in the Corps floodplain study) and the updated FEMA floodplain boundary has changed.



03076.03 (9-04) SEIS

Figure 4.14-1
Revised Floodplain Area

4.14.2.4 Wetland Hydrology

As stated in the Final EIS, the wetlands found in the study area are not extremely important for flood control and/or water storage functions around river and stream systems. Their elevations are not high enough to perform those functions, and they are not geomorphically positioned in the watershed to capture and retain peak floodwaters of rivers and stream. Wetlands adjacent to Great Salt Lake provide more of a flood control function by capturing and storing a small portion of the lake's floodwater, helping prevent it from intruding into adjacent cities and towns. The wetlands in the Jordan River floodplain and areas surrounding Farmington Bay near Centerville also provide flood control functions (Federal Highway Administration et al. 2000). This information has not changed since publication of the Final EIS. For more information on wetlands see Section 4.12.

4.14.3 Environmental Consequences and Mitigation Measures

As described in the Final EIS, portions of all the proposed build alternatives would encroach into the FEMA 100-year floodplain of Great Salt Lake and several streams in the study area. The environmental consequences and mitigation measures associated with encroachment into these floodplains are similar to those described in the Final EIS. Since publication of the Final EIS, however, UDOT has reduced the proposed right-of-way of the proposed build alternatives from 100 m to 95 m (328 ft to 312 ft) (see Chapter 3, *Alternatives*, of this Supplemental EIS). This reduction in right-of-way width would reduce the area that would be within the 100-year floodplain for each proposed build alternative (Table 4.14-1). The environmental consequences associated with encroachment of the proposed action into the 100-year floodplain and the proposed mitigation measures are summarized below.

4.14.3.1 Floodplain Management

Section 4.14.1 of the Final EIS states that all the proposed build alternatives would run alongside or near both the FEMA and Corps 100-year floodplain boundaries throughout the study area, except that the Alternative B alignment would fall approximately 1 km (0.6 mi) inside the FEMA floodplain boundary in the Farmington area, and alongside the Great Salt Lake floodplain boundary in the southern portion of the study area. The expansion of the FEMA floodplain boundary in the Farmington Area, discussed above in Section 4.14.2.2, would increase the length of Alternative B that lies within the floodplain of Great Salt Lake by approximately 152 m to 305 m (500 ft to 1000 ft). Figure 4.14-1 shows the location of the revised FEMA floodplain boundaries relative to the proposed Alternative B alignment.

All the proposed build alternatives would still be designed to allow passage of 100-year flood flows at stream crossings and a 100-year floodwater elevation in Great Salt Lake, as described in the Final EIS. Floodplain equalization culverts would be installed to allow water from high lake levels to pass through the parkway to areas east of the proposed highway (Figure 4.14-2). Pumping water from Great Salt Lake to maintain flood levels and to protect the proposed highway alignment would not be required and is not included as a component of the proposed action.

4.14.3.2 Floodplain Impacts

The revision to the FEMA floodplain boundary does not change any of the overall impact conclusions presented in Section 4.14.2 of the Final EIS. The acreage of affected floodplain (both FEMA and Corps

floodplains) associated with the proposed build alternatives is listed in Table 4.14-1. The table accounts for the reduced right-of-way.

Table 4.14-1 Impacts on Great Salt Lake Floodplain North of Center Street

Floodplain Area Associated with Build Alternatives	Area Affected by Alternative, Hectares (Acres)				
	Alternative A[1]	Alternative B[1]	Alternative C[1]	Alternative D[2]	Alternative E[1]
FEMA Floodplain Filled	11 (27)	82 (202)	15 (38)	17 (43)	17 (42)
Corps Floodplain Filled	52 (128)	150 (371)	131 (323)	86 (213)	85 (211)
FEMA Floodplain East of the Proposed Alignment	25 (62)	81 (201)	92 (227)	22 (56)	24 (59)
Corps Floodplain East of the Proposed Alignment	24 (60)	228 (562)	246 (607)	72 (179)	73 (181)

Notes:

[1] Area represents acreage of floodplain filled based on a 95-m (312-ft) right-of-way width. For Alternatives A, B, and C, this represents a reduction in the right-of-way presented in the Final EIS.

[2] Area represents acreage of floodplain filled based on a 100-m (328-ft) right-of-way. This right-of-way is consistent with that presented in the Final EIS.

No-Build Alternative

Existing Conditions (2004)

As stated in the Final EIS, no project-related impacts on floodplains would occur under the existing conditions No-Build Alternative.

Future Conditions (2020)

If none of the build alternatives is implemented, future transportation improvement projects may be undertaken by local jurisdictions in the study area to address capacity needs not being met by the proposed action. It is possible that these future projects would encroach into the FEMA and Corps floodplains, although the nature and timing of these projects are not known at this time. Floodplain development permits, which would be issued by the governing local jurisdiction, would have to be obtained before construction within a floodplain could occur.

Build Alternatives

As described in Section 4.14.2 of the Final EIS, each build alternative would result in some longitudinal encroachment into the Corps and FEMA 100-year floodplain of Great Salt Lake, as well as transverse encroachments of the floodplains of several streams in the study area. These encroachments would be associated with construction of the proposed interchange with I-215 in the southern portion of the study area and construction of the proposed action alignments north of Center Street. Impacts on the Great Salt Lake floodplain that would occur as a result of the encroachment into the floodplain north of Center

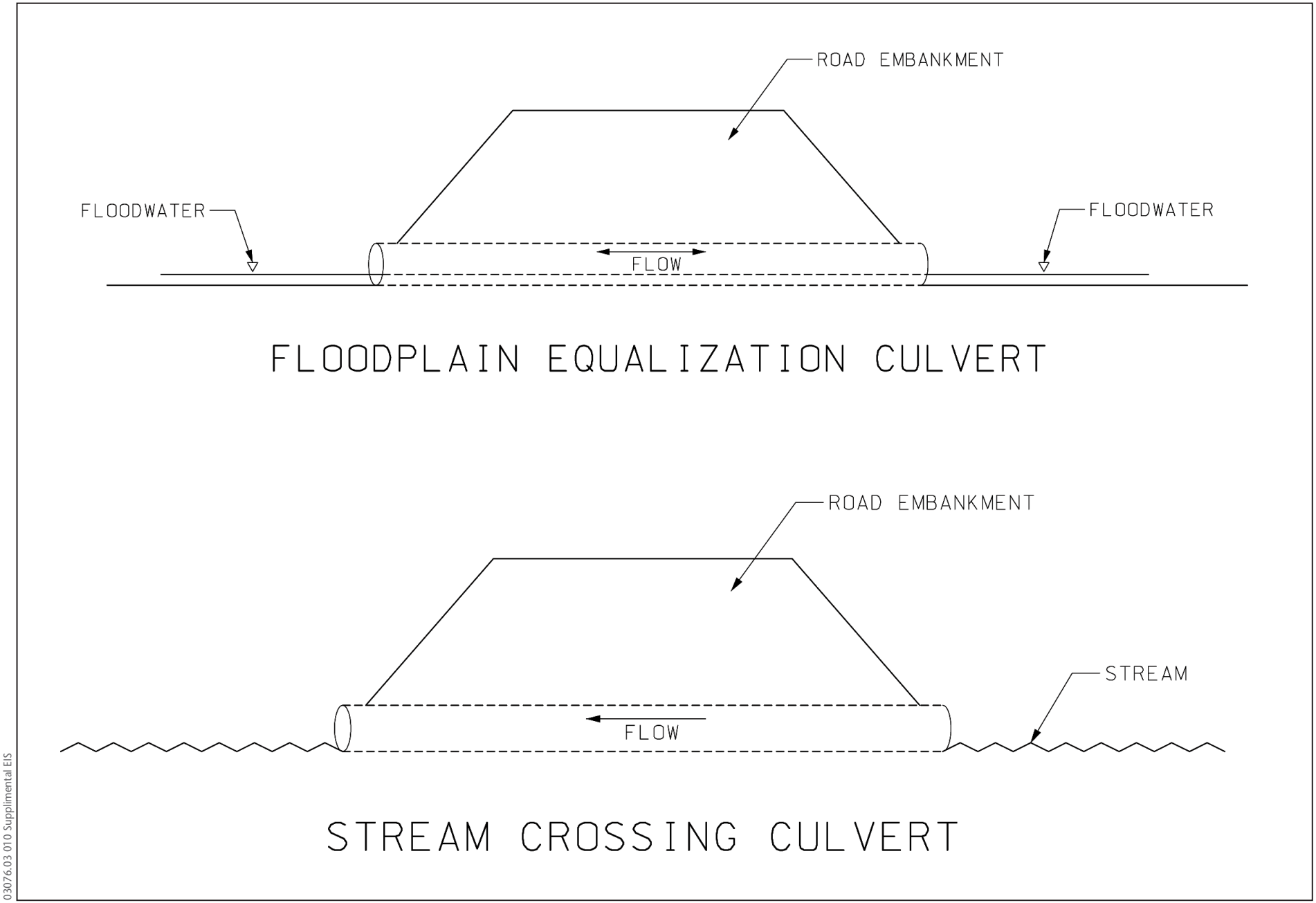


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Figure 4.14-2
Floodplain Equalization and Stream Crossing Culverts

Street are quantified in Table 4.14-1. Impacts associated with construction of the interchange with I-215 are not represented in Table 4.14-1 because they would be the same under all build alternatives.

The acreages presented in Table 4.14-1 are based on a 95-m (312-ft) right-of-way width, except for the acreage presented for Alternative D, which is based on a 100-m (328-ft) right-of-way. Expansion of the floodplain boundary did not substantively change the acreage calculations presented in the Final EIS.

The location and design of all the proposed build alternatives avoids and minimizes, to the extent practicable, longitudinal encroachments into floodplains in the study area. None of the build alternatives would result in a significant encroachment into floodplains in the study area. Floodplain equalization culverts and stream crossing culverts would be included in the design to ensure that, during a flood period, evacuation and emergency vehicle routes would be maintained and that the natural floodplain values of the study area would not be lost. As a result, implementation of any proposed build alternative would meet the requirements of both Executive Order 11998 and 23 CFR 650, Subpart A.

4.14.3.3 Hydrologic Function of Wetlands

The hydrologic function of wetlands in the study area, or their ability to provide surface water storage, was evaluated in the Final EIS and reassessed in this Supplemental EIS using a hydrogeomorphic (HGM) model. All the build alternatives would directly and indirectly affect the hydrologic function of wetlands, as described in Section 4.12, *Wetlands*, of this document. The expansion of the floodplain boundary would not change this impact conclusion for any build alternative.

4.14.3.4 Mitigation Measures

As indicated in the Final EIS, to mitigate impacts on floodplains in the study area resulting from construction of any build alternative, floodplain equalization culverts would be installed to allow floodwaters to flow freely between the eastern and western sides of the proposed highway within the Corps floodplain boundary (Parker pers. comma.). Stream-crossing culverts would be designed to allow passage of floodwaters from the FEMA 100-year flood, and riprap would be provided at the ends of such culverts to minimize erosion. Both the floodplain equalization and stream crossing culverts are depicted in Figure 4.14-2.

Section 4.15

Threatened and Endangered Species

This section discusses threatened and endangered wildlife species in the study area, including those that are listed or proposed for listing under the federal Endangered Species Act (ESA), and those that are listed on the Utah Sensitive Species List. This section has been updated to reflect changes that have occurred in the listing status of species since publication of the Final EIS, including the listing of five additional species that could occur in the study area as state species of special concern: grasshopper sparrow, Preble's shrew, bobolink, kit fox, and Northern goshawk.

4.15.1 Approach and Methodology

To update the affected environment and environmental consequences information associated with special-status wildlife species in the study area, Sections 3.15 and 4.15 of the Final EIS were reviewed to determine what changes that had taken place since publication of the Final EIS. The study area for threatened and endangered species is described in Section 4.0.1, *Study Area*, of this document.

Coordination letters were sent to the U.S. Fish and Wildlife Service (USFWS) and the Utah Department of Natural Resources (UDNR) Division of Wildlife Resources requesting updated information on special-status species that could occur in the study area (Perkins pers. comm.). A letter was received from USFWS in December 2003 that provided an updated list of federally listed species that could occur in Davis and Salt Lake Counties (Maddox pers. comm.) (Appendix A). A copy of the revised Utah Sensitive Species List, which was updated in December 2003, was obtained from UDNR Division of Wildlife Resources (UDNR, Division of Wildlife Resources 2003 a), as was a copy of the Salt Lake and Davis Counties species lists, which were updated in February 2004 (UDNR, Division of Wildlife Resources 2004a). These updated federal and state species lists were compared to the information presented in the Final EIS and used, in conjunction with an evaluation of species habitat requirements, to update the list of species that could potentially occur in the study area and the effects the proposed action could have on those species.

The information presented in this section is also consistent with the analysis conducted for the *Legacy Parkway Wildlife Impacts Analysis Technical Memorandum* (wildlife technical memorandum) (Jones & Stokes 2004) and Section 4.13, *Wildlife*, of this document.

4.15.2 Affected Environment

This section presents a summary of updated information on the affected environment relative to special-status wildlife species. Since publication of the Final EIS, one species proposed for listing on the federal endangered species list has been removed and one has been added (U.S. Fish and Wildlife Service 2003).

In addition, since publication of the Final EIS, six species listed on the Utah Sensitive Species List for Salt Lake and Davis Counties have been removed (UDNR, Division of Wildlife Resources 2003a) and 14 have been added (UDNR, Division of Wildlife Resources 2004a).

Table 4.15-1, which updates Table 3-33 in the Final EIS, lists the special-status species that occur or could potentially occur in the study area that have been added to or removed from either the federal endangered species list or the state sensitive species list since publication of the Final EIS. As described in Section 4.15.2.1, Utah no longer designates state threatened or endangered species.

Table 4.15-1 Special-Status Species That Occur or Could Occur in Study Area

Species		Status*	
Common Name	Scientific Name	Federal	State
Plants			
Ute ladies' tresses	*Spiranthes diluvialis*	T	–
Mammals			
Spotted bat	*Euderma maculatum*	–	SPC
Pale Townsend's big-eared bat	*Plecotus townsendi pallescens*	–	SPC
Kit fox	*Vulpes macrotis*	–	SPC
Preble's shrew	*Sorex preblei*	–	SPC
Birds			
Bald eagle	*Haliaeetus leucocephalus*	T	–
Bobolink	*Dolichonyx oryzivorus*	–	SPC
Yellow-billed cuckoo	*Coccyzus americanus*	P	SPC
Ferruginous hawk	*Buteo regalis*	–	SPC
Grasshopper sparrow	*Ammodrammus savannarum*	–	SPC
Short-eared owl	*Asio flammeus*	–	SPC
Burrowing owl	*Athene cunicularia*	–	SPC
American white pelican	*Pelicanus erthrothynchos*	–	SPC
Long-billed curlew	*Numenius americanus*	–	SPC
Northern goshawk	*Accipiter gentilis*	–	CAS
Amphibians and Fish			
Boreal toad	*Bufo boreas*	–	SPC
Spotted frog	*Rana pretiosa*	–	SPC
Least chub	*Lotichthys phlegethontis*	–	SPC

Notes:

* T = Threatened under the ESA; E = Endangered under the ESA; P = Proposed for listing under the ESA; SPC = Utah State Species of Special Concern; CAS = Utah State Conservation Agreement Species.

Shaded cells indicate special-status species whose status has changed since publication of the Final EIS. Species removed from the Utah Sensitive Species List since publication of the Final EIS are not noted in this table.

Source: U.S. Fish and Wildlife Service 2003; UDNR, Division of Wildlife Resources 2003a; UDNR, Division of Wildlife Resources 2004a.

4.15.2.1 Definitions

As described in the Final EIS, the threatened and endangered species addressed in this section include all plant and animal species that are proposed for listing (P) and species currently listed as threatened (T), endangered (E), or candidate (C) by USFWS. Also discussed are State of Utah species of special concern (SPC) and Conservation Agreement Species (CAS), which are listed on the Utah State Sensitive Species List. The definitions described in the Final EIS have not changed, except that the state no longer designates species as threatened or endangered. As a result, all state special-status species are only assigned the SPC designation, as appropriate. There have been no other changes to this section since publication of the Final EIS.

4.15.2.2 Federally Listed Species

Two species listed as threatened under the ESA were described in the Final EIS: bald eagle (*Haliaeetus leucocephalus*) and Ute ladies' tresses (*Spiranthes diluvialis*). There have been no changes to the status of either species or its potential to occur in the study area since publication of the Final EIS. As noted in the Final EIS, peregrine falcon (*Falco peregrinus*), which was included in the list of federally endangered species in the biological opinion for the proposed action (U.S. Fish and Wildlife Service 1999a) (Appendix A), was delisted in August 1999 and is no longer considered in this section because it is no longer considered a special-status species (U.S. Fish and Wildlife Service 1999b).

Since publication of the Final EIS, the yellow-billed cuckoo was added to the federal list of species proposed for listing as threatened under the ESA. This species is still included on the Utah State Sensitive Species List for Salt Lake and Davis Counties (UDNR, Division of Wildlife Resources 2004a), as described in the Final EIS. It should be noted that no cuckoos were detected during bird surveys conducted between 1999 and 2003 within the area of the proposed Legacy Nature Preserve (UDNR, Division of Wildlife Resources 2004b). Recent documentation of a yellow-billed cuckoo in a peregrine falcon nest in Salt Lake City, however, suggests that this species still migrates through the study area.

Mountain plover (*Charadrius montanus*), which was also described as a species proposed for listing as threatened under the ESA in the Final EIS, is no longer proposed for listing. Table 4.15-1 above provides an updated list of all federally listed species that occur or could potentially occur in the study area.

4.15.2.3 State-Listed Species

Ferruginous hawk (*Buteo regalis*) and yellow-billed cuckoo (*Coccyzus americanus*) were included in the Final EIS as state threatened species. The State of Utah no longer designates state threatened and endangered species, but both species remain on the Utah State Sensitive Species List as species of special concern (UDNR, Division of Wildlife Resources 2003a).

4.15.2.4 State Species of Special Concern

Six species included in the Final EIS as state species of special concern are no longer listed on the Utah State Sensitive Species List. The six species are black tern (*Chlidonias niger*), Caspian tern (*Stema caspia*), common yellowthroat (*Geothlypis trichas*), osprey (*Pandion haliaetus*), Swainson's hawk (*Buteo swainsoni*), and Brazilian free-tailed bat (*Tadarida brasiliensis*) (UDNR, Division of Wildlife Resources 2003a).

However, 14 state species of special concern not described in the Final EIS are now listed on the state list for Salt Lake and Davis Counties (UDNR, Division of Wildlife Resources 2004a). Five of these species—grasshopper sparrow (*Ammodrammus savannarum*), Preble's shrew (*Sorex preble*), bobolink (*Dolichonyx oryzivorus*), kit fox (*Vulpes macrotis*), and Northern goshawk (*Accipiter gentilis*)—could occur in the study area, as described below. These species are also listed in Table 4.15-1.

The distribution mapping and habitat requirements of the other nine state species of special concern suggest that they do not occur in the study area. In addition, none of the four bird species were identified during bird surveys conducted for the Final EIS in 1997 (Federal Highway Administration et al. 2000), or during baseline bird surveys conducted between 1999 and 2003 for the proposed Legacy Nature Preserve (UDNR, Division of Wildlife Resources 2004b). Table 4.15-2 lists these nine species, their habitat requirements, and the reasons the proposed action would not impact them.

Table 4.15-2 State Species of Special Concern Excluded from Further Analysis

Species		
Common Name	Scientific Name	Distribution and Habitat Requirements
Birds		
Black swift	*Cypseloides niger*	Known distribution outside study area. Occurs in mountainous regions. Nesting elevations are from 1,829 m (6,000 ft) to 3,505 m (11,500 ft).
Greater sage grouse	*Centrocercus urophasianus*	Known distribution outside study area
Lewis's woodpecker	*Malanerpes lewis*	Occurs over a wide range of forested habitats. Rare and unpredictable occurrence in study area.
Three-toed woodpecker	*Picoides tridactylus*	Occurs in coniferous forests, generally above 2,438 m (8,000 ft). Known distribution outside study area.
Amphibians and Fish		
Bluehead sucker	*Catastomus discobalus*	Known distribution outside study area.
Bonneville cutthroat trout	*Oncorhynchus clarki utah*	Known distribution outside study area.
Smooth greensnake	*Opheodrys vernalis*	Known distribution outside study area.
Mollusks		
Lyrate mountainsnail	*Oreohelix haydeni*	Favors habitats with limestone talus. Known distribution outside study area.
Western pearlshell	*Margaritifera falcate*	Not likely to occur in the study area because of habitat requirements. Known distribution outside study area.

Source: Utah Conservation Data Center [no date].

Grasshopper Sparrow

Grasshopper sparrows occur in the Great Basin region of Utah (McIvor 1998). They breed in shrub steppe habitats in Utah and may nest and/or forage in wet meadow, cropland, and pasture habitats as well. Their preferred habitats in the western United States comprise lush portions of open grasslands that also include a sparse shrub component. Grasshopper sparrows consume mostly large insects, such as grasshoppers, in

the summer. They capture insects exclusively on the ground; exposed, bare areas are required for successful foraging (Vickery 1996).

Preble's Shrew

Very little is known about the distribution of Preble's shrew in Utah. Its range, as it is currently understood, includes much of Montana, central Idaho, eastern Oregon, and surrounding areas in semiarid to arid habitats. Records of its occurrence in Timpie Springs along the southern shore of Great Salt Lake indicate its presence in this region. The known habitat of this species includes marshy areas such as creeks and bogs bordered by willows and other brushy plants. Preble's shrews have been recently found in a montane sagebrush community in northern California, suggesting that the species may also use drier habitats (Zeveloff and Collett 1988). Because similar habitats are found in the project study area, the species may occur there; however, its status in the study area is unknown.

Bobolink

Isolated breeding populations of bobolinks occur in northern Utah near Centerville, Logan, Brigham City, Kamas, Heber, Morgan, Mountain Green, West Layton, and Provo. Bobolinks nest and forage in wet meadows, wet grasslands, and irrigated areas (primarily pasture and hay fields) (Martin and Gavin 1995). Although historically common in northern Utah, bobolinks are now rare in the area, and they often exhibit unpredictable fluctuations in population numbers. During the breeding season, their diet includes weed and grain seeds, a variety of larval and adult insects, spiders, and harvestmen. The young are exclusively fed invertebrates. During migration and winter periods, grain seeds are the staple diet, supplemented occasionally with insects.

Kit Fox

Great Salt Lake is located on the northeastern edge of the known distribution of kit fox (Zevellof and Collett 1988). Kit foxes are found throughout Utah in desert and semiarid regions with flat shrub or shrub-grass communities with little groundcover. Where these foxes occur in the Great Basin, shadscale, greasewood, and sagebrush communities are common. Major prey items include desert rodents, jackrabbits, cottontail rabbits, ground-nesting birds, reptiles, and insects.

Northern Goshawk

Northern goshawks are rare migrants in the Great Salt Lake ecosystem; they are more abundant in the higher forested reaches of the watersheds of Great Salt Lake and elsewhere in Utah (Ryser 1985). Ryser noted that in the Great Basin during winter, there is some altitudinal migration of goshawks from mountain forests down into the foothills and valleys, as well as immigration of individuals into the Great Basin from the north. Goshawks have been observed foraging in open sagebrush areas in Nevada where they prey on ground squirrels (Younk and Bechard 1992). Also, wintering goshawks use cottonwood riparian areas in the Rocky Mountains and Intermountain Region (Squires and Ruggiero 1995), as well as adjacent open areas (Hughes 1999).

4.15.3 Environmental Consequences and Mitigation Measures

As described in the Final EIS, the proposed action could affect both federally listed species and state species of special concern. Since publication of the Final EIS, five additional species that could occur in the study area have been added to the state list for Davis and Salt Lake Counties, and six species of special concern were removed from the state list. The following section provides an update of the environmental consequences and mitigation measures specific to the special-status species in the study area.

The estimates of potential direct impacts on the special-status species described below are drawn from the wildlife technical memorandum (Jones & Stokes 2004), which quantifies by habitat type the potential direct impacts of each build alternative. For each species of concern, the text below describes the range of the amount of suitable habitat (from most lost to least lost) that could be directly affected by the build alternatives. The wildlife technical memorandum and Section 4.13, *Wildlife*, of this document describe more fully the relationship between habitat lost to a build alternative and remaining similar habitat available for wildlife.

4.15.3.1 Threatened and Endangered Vegetation

As described in the Final EIS, although Ute ladies' tresses was originally documented as occurring in the region, it was not found in the study area and would therefore not be affected by the proposed action. There has been no change to this section since publication of the Final EIS.

4.15.3.2 Threatened and Endangered Wildlife

The Final EIS presented impacts on threatened and endangered wildlife species in two categories: avian (bird) and non-avian. Environmental consequences and mitigation measures for avian and non-avian species that occur or could potentially occur in the study area are updated below.

Non-avian Species—Federally Listed

As described in the Final EIS, no federally listed non-avian species occur or could occur in the study area.

Non-avian Species—State Species of Special Concern

Since publication of the Final EIS, the Brazilian free-tailed bat was removed from the state list. In addition, two additional non-avian species that could occur in the study area—kit fox and Preble's shrew—have been listed as state species of special concern. Potential impacts on those species are described below.

No-Build Alternative

Existing Conditions (2004)

Under the existing conditions (2004) No-Build Alternative, there would be no project-related impacts on any non-avian species listed as state species of special concern.

Future Conditions (2020)

If none of the build alternatives is implemented, future transportation improvement projects may be undertaken by local jurisdictions in the study area to address capacity needs not being met by the proposed action. In addition, residential, commercial, and industrial development will continue in the study area. These future projects could affect non-avian species in the study area listed as state species of special concern. See the wildlife technical memorandum for a detailed discussion of foreseeable future conditions in the study area.

Build Alternatives

Preble's Shrew

Because wet meadow habitats similar to those that support Preble's shrews are present, the species may occur in the study area. All the proposed build alternatives would result in some loss of such habitat. As described in the wildlife technical memorandum (Jones & Stokes 2004), this loss could range from 26.7 ha (66.0 ac) under Alternative E to 39.2 ha (96.9 ac) under Alternative B. Because no information is currently available on the density of this species in different habitats, it is not possible to estimate the number of shrews that could potentially be affected by the proposed action. However, the direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of habitats potentially suitable for Preble's shrew in the regional study area.[1]

Kit Fox

Because there is limited suitable habitat along the Wasatch Mountains in the vicinity of the study area, kit foxes are considered extremely rare and have a low probability of occurring there. If they do occur in the study area, they are most likely to frequent salt desert scrub habitats. All the proposed build alternatives could result in the direct loss of suitable habitat for this species. As described in the wildlife technical memorandum, this loss could range from 39.3 ha (97.1 ac) under Alternative B to 69.3 ha (171.2 ac) under Alternative C. The direct impacts of the Legacy Parkway project would affect less than 0.1 percent of the overall extent of these habitats in the regional study area.

Bird Species—Federally Listed

As described in Section 4.15.2.1 above, the yellow-billed cuckoo was proposed for listing as threatened under the federal ESA after the Final EIS was published. However, because the cuckoo was considered a state species of species concern in the Final EIS, impacts on the species were disclosed in that document, and those impacts have not changed.

Similarly, impacts on bald eagle have not changed since publication of the Final EIS.

Bird Species—State Species of Special Concern

Six state bird species of special concern have been removed from the Utah State Sensitive Species List since publication of the Final EIS and are therefore no longer addressed in this document. Three additional avian species that could occur in the study area—grasshopper sparrow, bobolink, and Northern goshawk—have been listed as state species of special concern. Potential impacts on these species are described below.

[1] See Section 4.13, *Wildlife*, for a definition of the geographic extent of the regional study area.

There have been no other changes to the impacts or mitigation measures described for threatened and endangered species since publication of the Final EIS.

No-Build Alternative

Existing Conditions (2004)

Under the existing conditions (2004) No-Build Alternative, there would be no project-related impacts on grasshopper sparrow, bobolink, or Northern goshawk.

Future Conditions (2020)

If none of the build alternatives is implemented, future transportation improvement projects may be undertaken by local jurisdictions in the study area to address capacity needs not being met by the proposed action. In addition, residential, commercial, and industrial development will continue in the study area. These future projects could impact grasshopper sparrow, bobolink, and Northern Goshawk in the study area.

Build Alternatives

Grasshopper Sparrow

Grasshopper sparrows have not been documented in the study area but could potentially occur there. Because of this status, the potential impact of the proposed build alternatives on this species would be small or nonexistent.

Bobolink

Bobolinks have occasionally been observed in agricultural fields at the northern end of the study area near the FBWMA. However, no one has ever documented the area of use beyond its general location or how many individuals use the area. All the proposed build alternatives could result in the direct loss of some suitable breeding and foraging habitats for this species, but the amount of habitat loss is unknown because the number of birds and the area of use have not been determined.

Northern Goshawk

Northern goshawks have not been observed in the study area. However, some studies on the seasonal movement and habitat use patterns suggest that goshawks could potentially use the study area during the winter. Moreover, the study area supports prey species that could sustain wintering individuals that move through the Great Salt Lake Ecosystem. The few wintering individuals that may occur in this region probably range over a large area that supports a variety of grassland and shrubland habitats. Direct habitat loss under any proposed build alternative would not be likely to affect this species.

Mitigation Measures

As described in the Final EIS, the reasonable and prudent mitigation measures outlined in the biological opinion for the proposed action would be implemented to minimize take of bald eagles. Table 4.15-3 lists theses measures and their terms and conditions. Terms and conditions of the biological opinion are no longer considered nondiscretionary under authority of the ESA with respect to the peregrine falcons; however, USFWS still recommends their implementation (U.S. Fish and Wildlife Service 1999b). The Legacy Nature Preserve would also mitigate the loss of habitat for wildlife species that use the study area. In addition, site-specific preconstruction surveys would be completed for Preble's shrew, grasshopper

sparrow, and bobolink to determine whether any proposed build alternative could disturb local populations or active nests of the species.

See Section 4.13, *Wildlife*, for a more complete description of the mitigation proposed for impacts on wildlife species.

Table 4.15-3 Reasonable and Prudent Mitigation Measures and Terms and Conditions of Biological Opinion

Mitigation Measure Number	Description of Measure	Terms and Conditions
RPM 1	Measures shall be implemented to prevent construction activities from impacting nesting or wintering bald eagles.	No construction activity will occur from the courtship through incubation/brood rearing periods (approximately January 1 through May 21) within one mile of the bald eagle nest.
		During the nestling through post fledging dependency period (approximately May 21 through August 31), the one-mile buffer may be relaxed to one-half mile for some activities. Coordination with and concurrence from USFWS must occur prior to any activities occurring under this term/condition.
		FHWA shall require continuous monitoring of the bald eagle nest by a qualified wildlife biologist for activities occurring within one mile of the bald eagle nest.
		If, during monitoring, the bald eagles appear disturbed in any manner, construction activities shall immediately cease, and FHWA shall immediately follow the reporting requirement issued in the biological opinion.
		No construction activities will occur from November 1 through March 31 within one-half mile of the bald eagle winter roosting sites.
RPM 2	Measures shall be implemented to prevent construction activities from impacting nesting peregrine falcons.	No construction activities will occur from the courtship through incubation/brooding periods (approximately February 1 through June 21) within one mile of the peregrine falcon aerie.
		During the nestling through post-fledging dependency period (June 21 through August 31), the one-mile buffer may be relaxed to one-half mile for some activities. Coordination with and concurrence from the USFWS must occur prior to any activities occurring under this term/condition.
		FHWA shall require continuous monitoring of the peregrine falcon aerie by a qualified wildlife biologist for any activities occurring within one mile of the peregrine falcon aerie.
		If, during monitoring, the peregrine falcons appear disturbed in any manner, construction activities shall immediately cease, and FHWA shall immediately follow the reporting requirements issues in this biological opinion.

Mitigation Measure Number	Description of Measure	Terms and Conditions
RPM 3	Measures shall be implemented to control human use of the area so as to prevent take, particularly harm and harassment, to nesting bald eagles and peregrine falcons and/or their young as well as to wintering bald eagles.	Project employees will be informed of the presence of the bald eagle and peregrine falcon and the need to minimize disturbance during nesting and wintering periods.
		No recreational trail facilities which encourage extended human use of the area will be constructed within one mile of the nest and roost sites.
		Right-of-way fence will be constructed and maintained along the length of the highway to deter human use of the proposed Legacy Nature Preserve.
RPM 4	Measures shall be implemented to prevent highway maintenance activities from impacting nesting bald eagles and peregrine falcons over the life of the project.	No maintenance activities that result in noise or activity levels above that of normal highway operation conditions shall be conducted within one mile of the peregrine falcon aeries and one mile of the bald eagle nest site during the breeding season.
		No maintenance activities that result in noise or activity levels above that of normal highway operation conditions shall be conducted from November 1 through March 31 within one-half mile of the bald eagle winter roost sites.

Source: Final Formal Biological Opinion for Project Number SP-0067, Legacy Parkway, Salt Lake and Davis Counties, Utah (U.S. Fish and Wildlife Service 1999a).